

TRIAL of Conspirators

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TRIAL & PUNISHMENT

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The Assassination of Abraham Lincoln

Trial of the Conspirators

Excerpts from newspapers and other
sources

From the files of the
Lincoln Financial Foundation Collection

From The St. John (N. B.) News, May 5.

Few of even the most bitter enemies of President Jeff. Davis will credit the story set afloat in yesterday afternoon's telegram that he was the instigator of the assassination of President Lincoln, or in any way necessary to the deed. That Davis devoted his best energies—and they were of no ordinary kind—to attain for the Southern people their independence is undoubtedly, and that he was one of the principal pillars of the Confederation is a fact; but that he could so far forget his manhood as to be a party to an assassination such as that perpetrated by Booth and attempted by an accomplice we cannot credit. We must have better proof than that supplied by telegrams, which have frequently before been made to lie for an object, before we accept the report as correct.

The Assassination Justified—The News at Selma.

From The Chattanooga Daily Rebel, Selma, Ala., April 20.

If the news we published yesterday from Souatohia is true, William H. Seward, the cold-blooded and heartless political miscreant, who guided the internal policy which plunged us into this bloody and desolating war, has been arrested by an angry God in the midst of his iniquities, and has paid the penalty of his crimes at the hands of an unknown assassin.

For many years Mr. Seward has been the moving spirit of Northern hostility to the South, and to his omniy and ambitious designs do we owe this war. It is doubtful whether Lincoln would have had the nerve to press the differences between the two sections to the point of actual collision, if Mr. Seward had not stood at his back, and with his devilish malice urged him on. Doubtless, Seward had conceived in his own mind some mighty scheme of Government, in which the Southern States should play but a subordinate part, to the success of which it was necessary that the institution of Slavery, which was a paramount interest, and gave strength and unity to the South, and enabled it to exercise an important if not a controlling interest in the Government should be destroyed. He declared years ago that there was an "irrepressible conflict" between the Northern and Southern systems of labor, and that the one must supersede the other.

He steadily and persistently pursued the warfare upon our institutions, until he had created a party sufficiently strong to elect a President, and then taking the Premiership under that President, he inaugurated this war with the view to the extinction of Slavery, though it should involve the slaughter and the ruin of the entire white population of these States.

His ambitious plans have been brought to a bloody, we do not say a fitting, conclusion. If it was right for Brutus to slay the despotic Caesar, who shall say that

the man who slit the throat of this arch plotter against the lives and liberties of this people is not worthy of the laurel wreath.

And Abe Lincoln, too, the political mountebank and professional joker, whom nature intended for the ring of a circus, but whom a strange streak of popular delusion elevated to the Presidency—he also has fallen. His career was as short as it was bloody and infamous. He has gone to answer before the bar of God, for the innocent blood which he has permitted to be shed, and his efforts to enslave a free people.

The dispatches are not sufficiently particular to enable us to judge in regard to the motives which prompted the assassins to their work. We presume that the South will be charged with inciting them to their bloody work and that a high degree of exasperation against us will be the consequence. But while we do not know anything concerning the cause of these deeds, we do know that they have struck our people here with as much surprise as they have* the people of the North. While they rejoice at the destruction of their enemies, they would neither have suggested nor will they sanction cold-blooded murder, however much the victims may deserve the fate they met.

From The Chattanooga (Selma, Ala.) Daily Rebel, April 24.

The people of the North are now reaping the natural and inevitable harvest of crime growing out of the demoralization incident to a state of war. The last dispatches exhibit a most shocking and horriblo state of society. The President and his primo Minister killed by assassins, and the new President and the Secretary of War murdered by a mob which has obtained and holds possession of the Capital of the nation. Other cities sacked and a great popular revolution against the rulers impending. While their armies are devastating our land their own down-trodden populace, infuriated by tyranny and driven to despair by want, burst the bonds of law, and a reign of terror and of ruin is established.

That Nation which prided itself upon its strength and prosperity, finds three different Presidents occupying its Executive Chair within the space of a single month, two of whom were murdered; discord and anarchy riding rampant and ruling the hour. Perhaps they may yet find it necessary to recall the armies they have sent to these States to ruin us to restore order and law among themselves. God grant it.

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THE ASSASSINATION.

COMMENCEMENT OF THE TRIAL.

AN ADJOURNMENT UNTIL TO-DAY.

The Conspirators Unable to Obtain Counsel

A FRIGHTENED WITNESS.

RAMIFICATIONS OF THE PLOT.

The Court to Sit with Closed Doors

COMMENTS OF THE CANADIAN PRESS.

THE ASSASSINATION DEFENDED.

Our Special Dispatch.

WASHINGTON, Tuesday, May 9, 1865.

The Military Commission for the trial of the assassins convened at 11 o'clock this morning for the first time, at the arsenal buildings, in capacious rooms in the third story, adjoining the old Penitentiary cells, in which the alleged assassins and their accomplices are confined.

The prisoners are in chains and in separate cells. The story about their heads being poked and cushioned to prevent them from dashing their brains out against the walls is a foolish fiction. The buildings are well guarded against the possibility of a rescue.

The commission is composed in part of Major-Gen. Hunter, President; Major-Gen. Hartranft, the hero of Fort Steadman, and Brig.-Gen. Griffin. One member of the commission has not arrived, and others are not known. Gen. Holt will officiate as Judge-Advocate, with Judge Bingham and Colonel Burnett to assist him.

During the session to-day one of the prisoners, probably Paine, the assassin of Seward, was arraigned, but an adjournment was had until to-morrow morning at 11 o'clock, to enable him to obtain counsel. Thus far the accused have not succeeded in getting anybody to defend them, no leading attorney being willing to risk his reputation in the basius. Several lawyers of Democratic antecedents have already declined. The trial will not be delayed beyond to-morrow in deference to this dilemma of the prisoners.

Several material witnesses are here, a few being from Canada and the South, some of the men on whose positive testimony the President's charge of complicity against Jeff. Davis, Thompson & Co. was made. Some of them are in great trepidation, fearing that the era of assassination has begun, and that if they tell what they know against the plotters they will be mysteriously taken off. One of them, an American from Montreal, made a verbal statement to the Secretary of War yesterday relative to the complicity of Thompson, Sondors and the rest, but positively refused to appear before the Court to testify until assured that his name, residence and testimony should be suppressed and newspaper reporters excluded from the court during his examination. This was conceded to him, but it is believed he has fled North to-day in another panic.

The feeling that the conspiracy has extensive ramifications is widespread, and those who have had an eye on the documentary evidence at the War Department say that it more than proves the speculations on file with the Commission, and that the half has not been told.

It is probable that, as in the trials of Harris, Perrine and Osborn, the question of jurisdiction will be raised; but the Court will certainly hold that the investigation of a conspiracy of assassins, having for their purpose the murder of the military heads of the nation and the paralysis of its military power, and organized after col-

lusion with the leading traitors, is legitimate work for a military tribunal. It is probable that, for the present at least, the Commission will sit with closed doors and the official reporters be sworn not to reveal any of the proceedings. The Government has ample reasons for deeming this to be indispensable.

The two Garrets, in whose father's barn, at Port Royal, Booth and Harrold were found, were released to-day on parole. They will be witnesses in the trial of the assassins.

Associated Press Dispatch.

WASHINGTON, Tuesday, May 9, 1865.

The court for the trial of the conspirators concerned in the assassination of President Lincoln, and the attempted assassination of Secretary Seward, convened to-day *pro forma* to arrange the rules and mode of proceeding in said court. It is not yet determined whether the proceedings shall be made public as the trial progresses.

The prisoners David E. Harrold, George E. Atzerott, Lewis Payne, S. B. Arnold, Michael McLaughlin, Samuel Mudd and M. E. Surratt, on being brought before the Military Commission to-day, were asked whom they desired to select us counsel, when they named the following gentlemen:

Harrold—Messrs. Frederick Stone, Joseph H. Bradley and J. M. Carlisle.

Payne—Mr. Mason Campbell of Baltimore.

Mrs. Snratt—the Hon. Beverly Johnson and Mr. William Wallace Kirby.

Samuel Mudd—Mr. Robert James Brent of Baltimore.

The other prisoners did not name counsel.

SECOND DISPATCH.

The Military Commission for the trial of the accomplices of Booth met to-day in a room fitted up for the purpose in the Old Penitentiary building adjoining the arsenal grounds. The following order was read:

EXECUTIVE CHAMBER,

WASHINGTON CITY, May 1, 1865.

Whereas, The Attorney-General of the United States has given his opinion that the persons implicated in the murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. William H. Seward, Secretary of State, and an alleged conspiracy to assassinate other officers of the Federal Government at Washington City, and their aids and abettors are subject to the jurisdiction of and legally triable before a military commission; it is ordered

First: That the Assistant Adjutant-General detail five competent military officers to serve as a commission for the trial of said parties, and that the Judge-Advocate-General proceed to prefer charges against said parties for their alleged offenses, and bring them to trial before said military commission; that said trial or trials be conducted by the said Judge-Advocate-General as recorder thereof in person, aided by such assistant or special Judge-Advocates as no may designate, and that said trials be conducted with all diligence consistent with the ends of justice, and said commission to sit without regard to hours.

Second: That Brevet Major-Gen. Hartranft be assigned to duty as special Provost-Marshal General for the purposes of said trial, and attendance upon said Commission and the execution of its mandates.

Third: That the said commission establish such order or rules of proceeding as may avoid unnecessary delay and conduce to the ends of public justice.

ANDREW JOHNSON.
(Official Copy.) W. A. NICHOLS, Asst. Adjt.-Gen.
Washington, D. C., May 6, 1865.

The Hon. John A. Bingham, and Brevet Col. Burnett were then introduced to the Court as Assistant Judge-Advocates for the trial of the case designated under the order of the President.

The Court then adjourned until 10 o'clock to-morrow, to allow the prisoner an opportunity of retaining counsel and conferring with them.

Arrest of Robert E. Cox.

PORTKEEPSIE, N. Y., Tuesday, May 9, 1865.

Robert E. Cox, spoken of in a communication in THE NEW YORK TRIBUNE of Monday last as being the proprietor of a private house at St. Catharine's, Canada, where he is said to have at different times recently entertained Sanders, Tucker, and others, was arrested in this city this evening by Provost-Marshal Johnston of the Twelfth District, under an order from Gen. Dix, and conveyed to New-York on the 7 o'clock evening train. The arrest was made in a very quiet manner, and without any excitement. The inhabitants knew nothing of the affair until it was over and Cox had left the city.

Beverley Tucker.

From The Kingston American, May 6.

Mr. Beverley Tucker, the Hon. Beverley Tucker, or whoever or whatever he may be, has addressed a manifesto "to the people of Canada," avowedly for two-fold purposes: Firstly, and we presume most importantly, to assure Canadians, from whom he has only received "hospitality and kindness," that he who swears Beverley Tucker had anything to do with, or knowledge of, the assassination of President Lincoln, "blocks his soul with diabolical perfidy;" and, secondly, and "most generously," to assure the same "hospitable and kindly" Indians that he believes the charge to have been devised "to get up a pretext for a difficulty with the English Provinces." In other words, Beverley Tucker denies, says it is not true, that he had knowledge, directly or indirectly, of the diabolical intentions of J. Wilkes Booth, and, of course, expects his patrons to take his assertions for granted.

Well, we will not say it is true that Mr. Tucker knew anything of the premeditation of that horrible tragedy; nor will we ask any one to believe Mr. Beverley Tucker competent to make a prevaricating statement, because all these points will be decided before a court of justice; that is, if Mr. Beverley Tucker enjoys sufficient confidence in his own statements to face the music; but what we take exception to is the flippant and trifling manner in which Mr. Tucker lays a counter and more flagrant charge against the Government of Washington, viz.: "of taking this means of manufacturing a quarrel with the British Provinces." Counter charges are not usually very damning evidences of the innocence of any accused party, and especially is that the case in this instance, when it is known beyond a doubt that these same refugees have been deliberately and wilfully plotting for months to create a "difficulty between the British Provinces and the United States."

On the same principle that an untrustworthy is always most ready to call it, it may be assumed Mr. Beverley Tucker in passing has charged his own crime upon his pursuers, with more method than he himself at first conceived. But assuming Mr. Tucker to be quite innocent of the base charge imputed to him, we can entirely understand and forgive any expression in which he was led to indulge. The telegraph of last evening, however, announcing that a demand has been made upon our Government for the extradition of these gentlemen, does not look much as though the evidence against them was of such a trifling character as many are led to believe.

We could faint hope, not only for the honor of these parties and the credit of Americans, but to save any embarrassment that may touch to Canada for having afforded an asylum to such persons, that the evidence against them may not, after all, turn out to be conclusive; but the prompt and decisive action of the American Government places it beyond all doubt that Mr. Beverley Tucker's statement of innocence is contradicted in an important particular by somebody, and will have to be cleared up. And this leads us to consider the duty of the Canadian Government in the premises. If the demand has really been made for these parties, it becomes our Government to show a more commendable willingness to fill the provisions of the extradition treaty than they have hitherto done.

At least three of the persons for whom rewards have been offered are now in this Province, viz.: Tucker, Sanders, and Cleary, and it is difficult to see how they are to escape from the country in a manner calculated to relieve our Government of responsibility. To endeavor to reach New-Brunswick en route for Halifax would be a tedious and risky business at best, and the St. Lawrence affords no means of passage for a week to come, and even then could avail the refugees nothing without embarrassing our Government. The only way that seems at all clear is the straightforward and honorable course of handing them over to the United States authorities on proper demand being made for them, leaving them to the result of their own doings; not certainly, if they are guilty, they should be punished without consideration from any party. There is an opportunity just now for our Government to get into trouble, and we trust they will find no more Judge Smiths or Coopers to help them into it.

The Guilty Should be Punished.

From the Montreal Telegraph, May 8.

There is reason to believe that a demand has been made on our Government for the surrender of those persons charged with complicity in the murder of President Lincoln known to be in Canada. We express the universal sentiment when we say if these persons are guilty they ought to be surrendered. The extradition clause of the Ashburton treaty does not touch the case; but the accused may be surrendered by prerogative under the law of nations; and the crime is of so odious and detestable a character that if there is good ground to believe that the accused are guilty, the country will support the Executive in the exercise of the prerogative for such a purpose. We do not believe that the accused will object to such proceedings as will demonstrate the truth or falsehood of the charge.

With their consent, a prosecution might be instituted for conspiracy to commit murder, and the evidence to be taken on this charge before a Court specially appointed. It might probably become the duty of the Court to rule that the parties were not within the statute, and therefore could not be legally punished here; but if it could at the same time report to the Executive that the evidence had established their guilt so as if they had been within the statute to have justified their conviction, the Governor-General might order their delivery to the United States.

We believe the accused to be innocent, and that they have nothing to fear from a fair trial; but if, on the contrary, they can be shown to be guilty, no lawful means should be left untried to bring them to punishment; and we hold that it is lawful for the Crown to surrender criminals for whose extradition the law does not provide, if there is reasonable proof of guilt made before an impartial tribunal, where the accused have been suffered also to adduce testimony.

Dr. Tumblety.

From The Rochester Advertiser.

The telegraph reports from St. Louis that J. Blackburn, alias Dr. Tumblety, has been arrested charged with complicity with Harrold in the assassination of President Lincoln. The only Dr. Tumblety that we ever heard of was one who lived in Rochester in his younger days, and who, taking up the practice of medicine, went elsewhere to astonish the people. He figured in Buffalo, Toronto, Montreal and other cities, making distributions to the poor. He was a tall, dandified individual, supported a heavy cane, and was followed by a hound which bore in appearance the same relation to the canine race that his master did to the human. He was a quick all over and nothing else. His name is Tumblety, and we were not aware that he had taken the name of Blackburn. It may be that he has changed his name. We had lost track of him altogether till this assassination scene brought to him the surface.

GENERAL NEWS.

The assassins awaiting their trial at Washington are kept under the strictest guard, and every precaution taken to prevent their committing suicide. Padded masks cover their entire heads except the mouth. It is thought that three of the Ford theater employees will be convicted, although Ford himself seems innocent. Payne, the assassin of Seward, will be the first tried.

The Commissioner of Internal Revenue has decided that the losses in merchandise can be deducted only from the gains in merchandise. In this case particular branches of merchandise need not be separated. So in speculation—the loss or gain from stocks may offset the loss or gain from produce speculated in.

It is stated that the Baltimore and Ohio Railroad Company have begun the survey of the Metropolitan railroad, for which a charter was given at the last session of the Maryland Legislature. This initiatory proceeding is under the guidance of Mr. J. H. B. Lathrobe. The work is in the way of early completion.

The Washington Intelligencer states that a Northern correspondents are stating that Richmond mail matter continues to be detained here, we have made inquiries at the City Post-Office, where we learn that since Thursday last letter-bags for Richmond and Petersburg have been duly forwarded.

In the Harris case at Washington, yesterday, A. Fenwick was examined for the defense. The Judge Advocate then offered three orders of Gen. Grant on the disposal of paroled prisoners. Their admission being objected to, the Court adjourned to Thursday.

A Mr. Robert E. Coxe, referred to in a communication to THE TRIBUNE, a few days since, as having a house at St. Catharines, Canada, and entertaining Sanders and the other conspirators, has been arrested in Poughkeepsie, by order of Gen. Dix.

The celebrated mammoth ox "Gen. Grant," which has earned for the Sanitary Commission over \$10,000, was forwarded by way of Albany and Buffalo, yesterday, to the great National Fair at Chicago, as a gift from its present owners.

Since the reception of the instructions of the Secretary of the Treasury opening Southern ports, on Friday, many applications to ship goods to Richmond, Charleston and Savannah have been made. An invoice of TRIBUNE ALMANACS is already on its way to enlighten Dixie.

The Hamilton (Bermuda) Mirror of April 26 says the news of the surrender of Lee to Gen. Grant is "unwelcome intelligence," and adds: "We await with anxiety further results of this sad termination of a noble cause."

A. C. Eggleston, a merchant of Guilford, Ct., was shot on Monday evening about 9 o'clock while standing in the doorway of his store, by a young

man named Andrew Knowles, also a resident of Guilford.

The Secretary of the Treasury yesterday gave notice to Collector Draper that "the three per cent tax on goods going to insurrectionary States is abolished. Such transportation is henceforth free."

An incendiary fire occurred yesterday morning in the third floor of No. 4 Erie Building, Duane-st., occupied by Messrs. Judith, Rice & Co. The total loss on building and stock was about \$3,000.

At the Lockport election, held yesterday, B. Carpenter (Union) was elected Mayor by 160 majority. The Unionists also elected six out of eight Aldermen, and three out of four Supervisors.

The steamship Le Forfait from Havre, with the new French Minister, the Marquis de Montholon, on board, was expected to reach Baltimore yesterday.

Christian Metz, Jr., Collector of the port of Buffalo, and George Coit, one of the oldest citizens of that city, died early yesterday morning.

Councilman W. A. Taylor, representing the Eighth Senatorial District, died at his residence in this city yesterday, after a very brief illness.

Edwin Booth, in a private letter to a friend in Washington, announces his determination to quit the stage forever.

Many citizen clerks are being discharged from the War Department, and disabled soldiers substituted in their stead.

Capt. Robert Lincoln has returned to Washington, and will, in a few days, accompany his mother to Illinois.

Gold opened yesterday at 137 $\frac{1}{2}$, sold down to 135 $\frac{1}{2}$, and closed at 136 $\frac{1}{2}$. The extremes of the day were 135 $\frac{1}{2}$ to 137 $\frac{1}{2}$. Government Stocks are firm, and there is a disposition to buy on speculation, in view of a steadily rising market in Europe. Railway shares at the Stock Exchange were all lower from $\frac{1}{2}$ to 1 per cent, but were not pressed for sale. Upon the street prices were steady. At the Second Board the market was strong and prices improved, and the whole market was buoyant. Money continues easy, and the enormous subscriptions to the 7.30 loan have no material effect thus far. Sterling Exchange is dull, and the market wholly in possession of the regular drawers in the absence of commercial bills.

Latest by Telegraph.

THE CONSPIRACY TRIALS

PLEA OF INSANITY IN THE CASE OF ATZEROTT.

5/14/65

Washington, 8ist. Hartman Riechter, cousin of Atzerott, testified that the prisoner came to his house Sunday, after the assassination, and remained there until Thursday morning. Did not attempt to hide; was willing to go with the officers.

Doctor, counsel for Atzerott, stated that he intended to set up the plea of insanity and had summoned friends and relatives of Atzerott, living thousands of miles away, who had not yet arrived.

Wm. S. Arnold testified as to his brother's whereabouts in Baltimore city and county from the 21st of March to the 1st of April, when the prisoner went to Fortress Monroe, giving to witness his pistol and knife.

Frank Arnold, also a brother to the prisoner, testified that the latter went to Fortress Monroe to enter upon employment.

John T. Ford, Proprietor of Ford's Theatre, was called. He was asked by the defense whether Booth ever applied to him to employ Chester as an actor.

Assistant-Judge-Advocate Bingham objected to the question.

Mr. Ewing concluded that the question was pertinent. Arnold had made voluntarily confessions that there was a plan to capture the President, which Chester in his testimony corroborated.

The object of propounding the interrogatory was to show that Booth had nobody in the Theatre to assist him, and an answer to the question was important in justice to Spangler.

Mr. Brigham said this was not a question of relevancy; therefore it was absolutely unnecessary to ask it.

The Court sustained the objection.

BY TELEGRAPH
TO THE
BOSTON DAILY EVENING TRANSCRIPT.

THE TRIALS OF THE ASSASSINS.

Nothing Late in Regard to
Jeff. Davis.

ARREST OF THE PRESIDENT OF THE REBEL
SENATE.

Grant's and Sherman's Armies
Near Washington.

[Special Despatch to the Transcript.]

WASHINGTON, May 13.

The trials of the assassins are progressing rapidly. There are nine on trial, only four of whom have counsel. Despair is depicted on their countenances, and they seem to understand there is no hope for them.

The government has not received any intelligence, within the last three days, from either Generals Stoneman or Wilson, with regard to Jeff. Davis.

Mr. Hunter, late president of the rebel Senate, has been placed on board a gunboat near Richmond. The rebel leaders will soon discover that the Government intends to act promptly, and sternly against the most guilty secessionists.

Both the Potomac and Sherman's army are within a short distance of Washington. Two hundred and fifty thousand troops will be reviewed about the 25th instant.

Senator Wilson had a protracted interview today with the President and Secretary of War.

KAPPA.

Miss Herold testified that she was sister of prisoner; she could not identify the handkerchief found in Atzerott's coat as her brother's property.

Capt. F. Monroe testified that he had charge of the prisoners on board the monitors after their arrest.

The counsel for the defence asked that Atzerott's confession to Capt. Monroe should be admitted as evidence.

Judge Holt objected, and Capt. Monroe was withdrawn.

The Court then adjourned till tomorrow morning.

BOSTON DAILY EVENING

THE CONSPIRATORS' TRIAL.

PROCEEDINGS OF TUESDAY.

Washington, 16th. The court paid an informal visit at 9 1/2 o'clock to the scene of the President's assassination. On re-entering the court room the prisoners were brought into the dock, and many eyes instinctively turned towards Spangler, who sat down listlessly and leaned back against the wall, staring vacantly.

During the reading of the record David Stanton was permitted to amend the record of his testimony to answer to the question, "Did he ask in regard to Gen. Grant" to read, "The man did ask Dr Gen. Grant," and also that the man said he was a lawyer, and knew Mr. Stanton very well.

TESTIMONY OF JOHN BROWN (ALIAS "PEANUTS.")
Was connected with Ford's Theatre; attended to the stage door and carried bills in the day time; attended to Booth's horse, stabling and cleaning him; knew Booth while he kept his horse in the stable in the alley back of the theatre; saw him on the afternoon of the assassination bringing a horse into the stable; about five or six o'clock he called for Spangler, who went down to the stable; Booth asked him for a halter and he went for one; thought Maddox was there too; saw Booth again that night on the stage; did not see him when he came with his horse between nine and ten o'clock; saw the horse at the door when Spangler called out to hold him; heard a man call "Ned," and tell Spangler Booth wanted him.

I held the horse; Spangler gave him to me to hold; I told him I had to attend to my horse; he said if there was anything wrong to lay the blame on him; heard the report of a pistol; when Booth came out he told me to give him his horse; he knocked me down with the butt of his knife; he rode off immediately; was in President's box that afternoon; Harry Ford put flags around the box; Spangler was in the box with me; he damned the President and Gen. Grant; I told him he should not curse a man in that way, he did him no harm; he said he ought to be cursed for getting so many men killed; he did not say he wished anything done to Grant and the President.

Cross-Examined by Mr. Ewing. It was Davenensky an actor, who called Spangler and told him Booth wanted him in the alley. It was six or eight minutes afterward that Spangler called me. I was sitting in front of the door entrance on the left, attending to the stage door; my duty was to keep strangers out; I was in front of the theatre when the curtain was down; I went out every night every time the curtain was down. Did not see Booth there; Spangler was not in front of the theatre; never saw Spangler wear a moustache; did not see any whiskers on that night; Spangler was in the habit of hitching up Booth's horse; he wanted to take the bridle off, but Booth would not let him; this was about six o'clock; he put the halter round his neck and took the saddle off; Spangler used to hitch up and feed Booth's horse when I was not there.

Mr. Gifford said he would give me a good job if I knew how to attend to horses; I said I knew something about it, and that is how I got to attending Booth's horse; I do not know the way Booth went out after he jumped out of the President's box; I was out at the time; I do not know which entrance Booth ran through; he was not about the theatre much; he came there sometimes; he entered generally on Twelfth street, sometimes by the back way; the stable is about two hundred yards from the back entrance of the theatre; the first scene of the third act was being played when I first went out to hold Booth's horse; Booth had only one horse there; Spangler changed the scenes on the left of the stage with the President's box, and on the same side I attended the door; he attended the door when I was away; our positions were near the door leading into the alley.

By Judge Holt. There were two horses there in the stable. One day Booth brought a horse and buggy there, Sunday. The fellow who brought the horse there used to go with Booth often. I don't see him among the prisoners here. This fellow, I think, lives in the Navy Yard. I saw him go into a house there one day when I carried bills down.

By the Court. I saw Booth the instant he left the back door after the assassination. When he rode off he came out of the small door. I saw nobody else there. I didn't see Spangler go out or come in. I heard Harry Ford say the President was to be there. I told Spangler the President was to come. It was about three o'clock when we went to take the partition down; myself, Spangler and Jake were there; they call him Jake, that's all I know; he is a white man and stage carpenter; he was at work there night and day; he had been there there three weeks; I stayed with them in the box till we took the partition out; after that we sat down in the box; Spangler said it would be nice place to sleep in; saw nobody tinkering with the lock of the interior door; the keys of the private box were all left in the office.

I do not know who besides had been there that day, nor did I see anybody in the box occupied by the President during the day, except when Spangler and myself were there; I don't know who fixed and repaired the locks on the private boxes generally; the locks were on the private boxes on the inside; Spangler and the other man went down on the stage after we left the flags in the box; nobody was seen by me in the box that day only Henry Ford, fixing the flags; I then went home. Witness said, on cross-examination, that he might have seen Surratt but never heard his name.

TESTIMONY OF MARY ANN TURNER, (COLORED).
Reside in the rear of Ford's Theatre, about 10 feet from it; knew Booth when I saw him; saw him between 3 and 4 o'clock on the 14th of April standing in the back door of Ford's Theatre, with a lady standing by him; did not take particular notice at the time, and saw no more of him until, I suppose, between 7 and 8 o'clock; he was taking a horse up to the back door; he opened the door and called for a man named "Ned" three times, if not more; and I heard him in a loud voice tell Maddox to "stop here"; Maddox came and I saw him take the horse away; Ned then went into the theatre.

After the assassination I only heard a horse going out of the yard; did not see Booth at all; I flushed out of the door; the crowd had come out at that time and Ned came out of the door; I recognize Ned as among the prisoners at the bar, sitting there, [politely to Spangler:] said I, "Ned, you know that he called to you;" said he, "No, I know nothing about it," and went down the alley; that was all that occurred between us.

Cross-Examined. My house is, perhaps, 20 feet from the theatre; I did not see where Spangler went when he called Maddox; I disremember whether he came out again; I don't think he did.

TESTIMONY OF MARY JANE ANDERSON (COLORED).

I live right back of the theatre; my house adjoins that of the woman who just testified; know Booth by sight; saw him on the morning of the 14th down by the stable; he went out of the alley, and I never seen him any more till between 2 and 3 in the afternoon; he was standing then in the theatre door in the alley; him and a lady were standing talking together; I stood in my gate and looked at them a considerable time; they turned into the theatre, and I never saw him any more till night; I went up stairs pretty early that night; there was a carriage drove to the alley after I went up, and after that I heard a horse stepping down the alley, and looked out of the window, and it seemed as if this gentleman was leading a horse down the alley; he did not get farther than the end of the alley and then turned back again.

I still looked out to see who it was; he came up to the theatre door and pushed the door open; he said something in a low tone and then hallooed in a loud voice, "Ned," four times; there was a colored man at the window who said: "Mr. Ned, Booth calls you;" that's how I came to know it was Booth; it was pretty dark and I could not see what kind of face he had; "Ned" came and Booth said to him in low tone: "tell Maddox to come here;" Ned went back and Maddox came out and they said something to each other; could not understand from my window what the words were; after that Maddox took hold of the horse and he and Ned led the horse round the corner where I could not see him; Booth returned into the theatre, and this man who had taken the horse went in at the door too; the horse stayed out there a considerable while and kept up a considerable stamping on the stones.

After a considerable while, I saw these persons who had the horse walking backward and forward; I suppose the horse was there about an hour and a half altogether; in about ten minutes I saw this man come out of the door with something in his hand glittering; I do not know what it was; he jumped on the horse as he came out of the theatre door and was gone as quick as a flash of lightning; I thought the horse had certainly run off with the man; then I saw them running out doors asking which way he had gone; still I did not know what was the matter; one man said the President was shot; I said, "By that man who went off?" He said, "Yes, did you see him?" I said, "Yes, I saw him when he went off;" this was the last time I saw him.

I saw Spangler after that; after awhile I came down stairs and they were on the outside talking; I went up to the theatre door and Spangler was standing there; I said to Spangler, "That gentleman called you," said he, "No he didn't," said I, "Yes he did," said he, "No he didn't," said I, "I say he did," and kept on saying so; with that he walked down the alley and I did not see him any more until Sunday, and then I didn't say anything to him at all.

On the cross-examination witness testified she knew Maddox well; used to work for him; he held the horse a little while and then removed him out of her sight, and then returned and went into the theatre; couldn't see who held the horse afterward; saw the man who held the horse when Booth came out; he looked very much like Maddox; Maddox wears a light coat, and this man seemed as if he had a light coat; twas pretty dark, and I didn't see distinctly from my window.

TESTIMONY OF WILLIAM A. BROWNING.

I am a private Secretary of President Johnson; was with him on the night of the 14th of April, between 4 and 5 o'clock; I left his room at the capital and went to the Kirkwood House; went up to the office and there saw a card in my box; Vice-President Johnson's box adjoined mine; the clerk of the hotel handed this card to me:

"Don't wish to disturb you; are you at home?"

J. WILKES BOOTH."

At the time I attached no importance to it; thought perhaps Booth was playing here, and had some idea of going to see him, but when his name was connected with this affair I looked upon it differently. On the cross-examination witness stated that the Vice-President was in his room all the evening after five o'clock.

TESTIMONY OF MAJOR KILBOURNE KNOX.

Was at the residence of the Secretary of War evening of the 13th of April; he pointed out O'Laughlin as seen in front of the house on that occasion; Gen. Grant, Mrs. Grant, the Secretary, Gen. Burnside, and wife, Mr. Knapp and wife, Miss Lucy Stanton, Mr. David Stanton and two or three small children were there; O'Laughlin asked, "Is Mr. Stanton in?" I said, "I suppose you mean the Secretary;" he said yes, and I think said, "I am a lawyer in town, and I know him very well;" I had the impression that he was under the influence of liquor, and told him I did not think he could see him then;

he came again, and said again, "Is Mr. Stanton in?" and she said, "excuse me, I thought you wore the officer of the day;" I said there is no officer of the day here; he then walked up the steps into the hall and stood there some minutes; I then went over to David Stanton and said, "Do you know that man?" He said he did not; I told Mr. David Stanton he had better talk him out; Mr. Stanton talked with him a few moments and took him off; I think Gen. Grant had gone

into the parlor, and that this man stood behind the Secretary on the steps, where he could see into the parlor and who was there; I am perfectly certain O'Laughlin was the man; he had on a black slouched hat, black frock coat and black pants; had never seen him before.

TESTIMONY OF JOHN C. HATTER.

I know the prisoner O'Laughlin; saw him on the night of the 13th of April at Secretary Stanton's house; he asked me if Gen. Grant was in; I told him he was; he said he wished to see him; I said, "this is not the occasion for you to see him; if you wish to see him step out on the pavement or carriage stone and you can see him;" he did not go in the house or attempt to, and walked away towards the tree box and seemed to reflect; I turned my eyes away and didn't see him more. On the cross-examination the witness said the Secretary and Gen. Grant were inside the house at the time, and the accors were present.

The testimony of Dr. Robert Kingstone, family physician of the late President of the United States was next given. It was to the effect that he died from the effect of the wound received on the night of the 14th of April.

TESTIMONY OF SERGT. SILAS D. COBB.

Was on duty on the night of the assassination at Navy Yard Bridge; saw three men approach me rapidly on horseback, between half-past ten and eleven; challenged them and advanced to them to recognize them; satisfied myself they were proper persons to pass, and passed them; could not recognize any of the prisoners as the men.

Witness was shown a photograph of Booth, and recognized him as having passed first and alone, giving his name as Booth. He said he was going home in Charles, which I understood to mean Charles county; I asked him what town; he said he didn't live in any town, but lived close to Bryantown. The next man came up in five or ten minutes, and said his name was Smith, and that he was going to White Plains. [Herold was pointed out to the witness, but he thought he was not the man.] The third man did not seem to have sufficient business to justify witness in passing him; the last man inquired whether a man had passed on a roan horse; the second man made no inquiry as to another horseman; the second horse was a roan horse, with a hait-racking gait; Booth rode a small-sized horse, a very bright bay, which seemed restive and uneasy, more so than his rider.

TESTIMONY OF FOLK GARDINER.

I was on the road between Washington and Bryantown on the night of the 14th April going to Washington; met two horsemen about 11 riding very fast; they stopped me and one of them asked the road to Marlborough; he rode a dark horse, I think a bay; the other said nothing to me; I heard him ask a question whether it was of me or a teamster on the road. I don't know; I didn't answer; he was about behind the other and rode a roan or iron gray horse.

TESTIMONY OF WM. T. KENT,

I picked up a pistol in the President's box on the night of the assassination, and recognize the one produced as the cue.

TESTIMONY OF LIEUT. ALEX. LOVETT.

Was engaged in pursuit of the murderer; took the route by Surrattsville; came to the house of Dr. Mudd; asked him whether those had been any strangers at his house; he said there had; at first he didn't seem to care about giving us any satisfaction; then he stated that on Saturday night at daylight two strangers came to his place; one came to his door and the other sat on his horse; that he went down and opened the door, when the other man got off his horse and came into the house; one had a broken leg and he set the leg; he did not know who the man was; both were strangers to him; he said they remained a short time; he said he heard of the assassination on Sunday at church; his house is about 30 miles from Washington; it is off the public road about a quarter of a mile; he said one of the men went away on crutches, and he showed them a way across the swamp.

I was satisfied they were Booth and Herold, and I made up my mind to arrest Mudd when the proper time came; went there again on the 21st for that purpose; when he found we were going to search the house he said something to his wife and then brought down a hoot and showed it to me; he said he had to cut it off in order to save the man's leg; I turned the boot down and found on the inside "J. Wilkes;" I called his attention to it, and he said he had not noticed it before; the boot was produced and examined by the Court.]

Witness continued—he still insisted they were strangers, but on a subsequent occasion said he was satisfied it was Booth; after I had arrested him and we had got on our horses, some of the men gave him Booth's photograph and asked him if it was not like Booth; he said it was not like Booth, that it looked a little like him across the eyes; after that he said he had an introduction to Booth last fall, by a man named Johnson. On the cross-examination the witness said he asked Mudd if the men had much money; he said they had a considerable lot of greenbacks; I asked if they had arms about them; he replied, "the wounded man had a brace of revolvers."

When I was at Dr. Mudd's the second time he told me that the two men started from his house to go to town, Mr. Wilkes's, but I paid no attention to that; I thought it a blind for the purpose of throwing us off the track; he said they required for parson Will-

mer's, and that they were on the way to Allen's; when arrested he turned very pale as if frightened at the recollection of something he had done. Witness was cross-examined at length, but nothing further elicited.

Joshua Lloyd testified that he was engaged in pursuing the assassins. He went to Mudd's house; asked him if he knew that the President had been assassinated? he replied he did; asked him if he had seen any parties looking like the assassins, and he said he had not; at the second interview he acknowledged that two men stopped there, and he had set the two apart from them; I then asked if he had been introduced to Booth; he said he had; the men remained at his house from 4 A.M. to 4 P.M.

Col. H. H. Welles, Provost-Marshal of the defences south of Washington, testified as to his interview with Dr. Mudd on the 21st of April; Mudd stated that he had no suspicion of the character of Booth or his companion, but thought there was something strange about their actions. Col. Welles's testimony is quite long, but contains nothing new. After its conclusion the Court adjourned until 10 o'clock tomorrow.

THREE DAYS LATER FROM EUROPE.

New York, 16th. The steamship Cuba, from Liverpool 5th, via Queenstown 6th, has arrived.

The steamships Kangaroo and Helvetia, from New York, arrived on the 6th.

The Cuba passed the Europa, from Boston for Liverpool, on the 7th.

The steamer Sacramento, from Liverpool, arrived at Dover on the 2d, and proceeded to Flushing next day.

Resolutions of sympathy with America continue to pour in. Almost every public body and place in England must have given expression of its sympathy.

Among the demonstrations was a great meeting of workmen in London. In addition to the resolutions of condolence they adopted one rejecting at Federal success and the destruction of slavery. The Liverpool Chamber of Commerce voted an address expressing a hope that the calamity might not retard a speedy peace.

The Queen's response to the address of Parliament to her says she entirely participates in the feeling they express concerning the assassination of President Lincoln, and that she has given direction to her Minister at Washington to make known to the American authorities the feelings entertained by Parliament, in common with herself and the whole people, concerning the event.

In the House of Lords Earl Ravensworth questioned the Earl of Derby as to the meaning of his expression that Southerners, if connected with the assassination, "committed worse than a crime, a blunder."

Earl Derby said he did not see how his expression could be wrongly interpreted; he used a well-known political aphorism of Tallyrand to simply convey his meaning, that Southerners, by sanctioning what was not only highly immoral, would, at the same time, approve that which could do nothing but inflict the most serious injury on their political cause.

The House of Commons voted the leading provisions of Gladstone's budget, but the reduction of the tea duty is postponed till the first of June.

In the House of Lords, Earls De Grey and Ripon said the Government had just commenced negotiations with the deputation from Canada.

Lord Palmerston has almost recovered.

Napoleon was enthusiastically received in Algiers. The government bill fixing 100,000 francs as the contingent of 1866 has passed the Corps Legislatif.

The Bank of France has gained 9,000,000 francs in cash during the week.

The Spanish government has published a decree ordering the evacuation of San Domingo.

The Portuguese Cortes have adopted resolutions of sympathy with America.

The Prussian Chamber of Deputies had rejected the government military bill. The new budget had been carried.

Calcutta, April 28. Exchange 2s. 3-4d.

Lemba, April 29. Exchange 2s.

Latest by Telegraph to Queenstown.

Liverpool, 6th—6 P.M. Political news unimportant. The more remote continental journals seem with sympathy with America in view of Mr. Lincoln's assassination.

Paris, 6th. The Bourse is firm; rents closed at 67f. 55c.

Pekin, April 13. Prince Kung has resumed his position as Prime Minister.

M. Taine. A Paris correspondent of the New York Evangelist has the following description of the brilliant French historian of English literature:

A few days ago I attended a lecture by M. Taine, author of an able work on English literature, published here lately, at the Ecole des Beaux Arts, and had a glimpse of the way some things are done in France. It seems that M. Taine had an office in the government military school of St. Cyr, besides the office of Professor of Esthetics in the Ecole des Beaux Arts, when I listened to him. About a fortnight ago Taine was removed from his post at St. Cyr through, it is said, the wife of the Minister of War, at the instigation of her confessor, who denounced Taine to her as an enemy of the church. The lecture I attended was his first appearance in public after his deposition. It is known that the students of art and science in Paris are anything else but friendly to the church. Let the reader imagine if possible the shouts and uproar when Taine entered the lecture room and took his seat! His welcome was tremendous. During the lecture he was enthusiastically applauded, also at its termination, the demonstrations being kept up as he passed through the court on his way into the street. Two days after this lecture the pa-

pears announced that M. Taine had been reinstated in functions at St. Cyr—a reification of a mistake no doubt due to some one with more sense and authority than the Minister of War. The lecture was on Leonardo da Vinci, and was full of fine descriptive passages. M. Taine has a remarkably pleasing face and a natural conversational manner in his delivery.

THE INDIANA CONSPIRATORS. President Johnson has commuted the sentence of one of the Indiana conspirators Horsey, who was to be hung at Indianapolis on Friday, to imprisonment for life, and respite the other two Mulligan and Bowles, who will not be executed until June 2d.

RETRAKTION AND EULOGY. The following lines, from the London Punch, contain a manly and generous confession of its past unfairness and wretched caricaturing, and pay a noble tribute to the man whose greatness there are now none at home or abroad to dispute.

ABRAHAM LINCOLN.

FOULLY ASSASSINATED, APRIL 14, 1865.

You lay a wreath on murdered Lincoln's bier,
You, who with mocking pencil wot to trace,
Broad for the self-complacent British sneer,
His length of shambling limb, his furrowed face,
His gaunt, gnarled hands, his unkempt, bristling hair,
His garb incongruous, his bearing ill at ease,
His lack of all we prize as debonair,
Or power or will to shine, of art to please.

You, who smart pen backed up the pencil's laugh
Judging each step, as though the way were plain;
Reckless, so it could point its paragraph,
Of chief's perplexity, or people's pain.

Beside this corpse, that bears for winding-sheet
The stars and stripes he lived to rear anew,
Between the mourners at his head and foot,
Say, scurril jester, is there room for you?
Yes, he had lived to shame me from my sneer,
To lame my pencil, and confute my pen—
To make no own this kind of prince's peer,
This rail-splitter a true-born king of men.

My shallow judgment I had learned to rue,
Noting how to occasion's height he rose,
How his quaint wit made home-truth seem more true,
How iron-like, his temper grew by blows.

How humble, yet how hopeful he could be:
How in good fortune and in ill the same:
Nor bitter in success, nor boastful he,
Thirsty for gold, nor feverish for fame.

He went about his work—such work as few
Ever had laid on head and heart and hand—
As one who knows, where there's a task to do,
Man's honest will must Heaven's good grace command;

Who trusts the strength will with the burden grow,
That God makes instruments to work his will,
If but that will we can arrive to know,
Nor tamper with the weights of good and ill.

So he went forth to battle, on the side
That he felt clear was Liberty's and Right's,
As in his peasant boyhood he had plied
His warfare with rude Nature's thwarting mights—

The uncleared forest, the unbroken soil,
The iron bark that turns the lumberers axo,
The rapid that o'erbears the boatman's toll,
The prairie, hiding the mazed waudever's tracks.

The ambushed Indian, and the prowling bear—
Such were the needs that help'd his youth to train:
Rough culture—but such trees large fruit may bear,
If but their stocks be of right girth and grain.

So he grew up, a destined work to do,
And lived to do it: four long-suffering years'
Ill-fate, ill-feeling, ill-report, lived through,
And then he heard the hisses change to cheers.

The taunts to tribute, the abuse to praise,
And took both with the same unswerving mood:
Till, as he came on light, from darkling days,
And seemed to touch the goal from where he stood.

A felon had, between the goal and him,
Reached from behind his back, a trigger prest—
And those perplexed and patient eyes were dim,
Those gaunt, long-laboring limbs were laid to rest!

The words of mercy were upon his lips,
Forgiveness in his heart and on his pen,
When this vile murderer brought swift eclipse
To thoughts of peace on earth, good-will to men.

The Old World and the New, from sea to sea,
Uttered one voice of sympathy and shame!
Sore heart, so stopped when it at last beat high;
Sad life, cut short just as its triumph came.

A deed accurst! Strokes have been struck before
By the assassin's hand, wherof men doubt
No more of horror or disgrace they bore;
But thy foul crime, like Cain's stands darkly out.

Vile hand, that brandest murder on a strife,
Whate'er its grounds, stoutly and nobly strive;
And with the martyr's crown crownest a life
With much to praise, little to be forgiven.

THE LATE JOSEPH WILLARD, whose decease has been briefly noticed in the Transcript, was the son of the late President Willard of Harvard College, (Joseph Willard) and graduated at that College in the class of 1816, in the eighteenth year of his age. He then studied law with Charles H. Atherton of Amherst, N.H., and first settled in Waltham; then went to Lancaster; and finally came to Boston about 1829. While in Lancaster he wrote his very valuable

and exact history of that town, being in that department of our New England literature one of the pioneers. He was soon after chosen a member of the Massachusetts Historical Society, and made its corresponding Secretary, and so remained until about a year since, say for nearly a third of a century.

In 1838 Governor Everett appointed Mr. Willard Master in Chancery, under the Insolvency act of that year, and he held the same until the Masters in Chancery were superseded by the Commissioners in Insolvency. In 1839 he was appointed by the Supreme Judicial Court, joint Clerk of the Courts for Suffolk, with Mr. George C. Wilde, the present incumbent; and by appointment and election was continued clerk until his decease. He was also, for about the same period, and until his death, one of the trustees of the old Boston Library, that was so long located in Franklin street.

And now looking back and rememiring the fickleness of the public, and by how uncertain tenure the best of men retain their hold on public office, yet any one who knew Mr. Willard will be apt to acknowledge that in his case it was all natural and inevitable. It resulted from his character, habits, education and temperament. He was, in office as out of office, a kind, obliging, thoughtful, intelligent, Christian gentleman. He had a well-trained, logical mind; he was of scholarly habits, fond of research and study; was in his manners and bearing judicial, but yet affable and urbane, diligent, fond of truth and justice, and as exact as an antiquary. He was one of the best models of an executive officer the writer ever beheld and was generally so regarded. As Master in Chancery he was called upon to settle many hundreds of insolvent estates, deciding numerous new and difficult points, and he did it all without provoking hardly an objection or an appeal; and as clerk his decisions were seldom appealed from, and still more seldom were those appeals sustained.

One of the arduous labors of love that Mr. Willard took upon himself to do, and which he very faithfully accomplished, was the writing of the life and times of his ancestor, Simon Willard, embracing genealogies of the family down to the fourth generation. Major Sidney Willard, who fell at Fredericksburg, was his eldest son. He leaves a widow, two sons and one daughter. Admitting in full the general aptness and force of the apothegm "what shadows we are and what shadows we pursue," yet it can hardly be said to apply to the subject of our notice, who has done so much and has done all so well.

CARL.

THE ASSASSINATION TRIAL.

Jeff. Davis Identified with the Plot to Burn Northern Cities, Shipping, &c.

Washington, 18th. The trial was continued today, and A. F. Cope, telegraphic operator, residing in Brooklyn, Long Island, identified a despatch handed him by Booth at the St. Nicholas Hotel and sent to Lewis J. Weichman on the 23d of March. It simply read "Tell John to telegraph the number and street at once."

Lewis Weichman was recalled, and testified that he delivered the message to John Surratt, who in response to Weichman's question, what it was about, said, "Don't be so d—d inquisitive;" witness boarded at Mrs. Surratt's house in Washington after the 4th of March; could not fix the time; he said Booth, John Surratt, Payne, and Atzerott, with several others, who had all been riding out, returned very much excited; noticed that some of them were armed; Surratt said his prospects were blighted, and was in extremely ill humor; witness also testified that on the morning after the assassination he thought it his duty to surrender himself to the Government, and forthwith assisted in the discovery and arrests.

On the cross-examination questions were asked Weichman as to the man named "St. Marc" and "1864," with the apparent object of showing that witness was aware of St. Marc's intention of getting South, and, if there was no other way, by enlisting in a Federal regiment and deserting; and that witness was a sympathizer with the rebels, and assisted this man to get South. The prosecution objected to the testimony as immaterial, but allowed a few questions, to which the witness answered that St. Marc enlisted in a Delaware regiment; was captured and lodged in Castle Thunder.

Witness denied having, while a clerk in the War Department, agreed to communicate to any of the prisoners at the bar any information he might obtain from that department; being asked about his acquaintance with a man named Augustus Howell, he said he had seen him, but never had conversation with him; on the contrary, he had said to Capt. Gleason, of the War Department: "There is a blockade-runner at our house; shall I give him up?" I agitated the question three days, but I thought it might be the only time the man might be there, and I let him go; I told him I would like to go South, that I had been a student of divinity and would like to be in Richmond for the purpose of continuing my studies; when in the War Department Howell taught him a cipher, which he said was for no particular purpose.

No arrangements were made for corresponding with Richmond; the cipher was no doubt found in my (the witness's) box; I once wrote a poem of Longfellow's in this cipher, and that is the only use I ever made of it; Howell was well acquainted with Mrs. Surratt; Howell never told me it was the cipher used in Richmond. In answer to other questions witness said he would have been the last man in the world to have suspected John Surratt, my school-mate and companion, of the murder of the President; my suspicions were aroused by frequent private conversations, by seeing Payne and Surratt with bowie knives, and by finding in my room a false moustache; my suspicions were not of a definite character.

I made a confidant of Captain Gleason, and told him Booth was a secret sympathizer; talked over certain matters of conversation I had heard, and whether the parties could be bearers of despatches and blockade-runners; Weichman also said he told Captain Gleason at the War Department of suspicious circumstances in connection with the movements of Mrs. Surratt, and asked him what they could mean, whether they were blockade-running occupations or not; he also spoke to Gleason about the talk afloat about a contemplated capture of the President by the rebels, and Capt. Gleason scouted the idea as impossible.

He had read in the papers that such an attempt was likely to be made; witness said with reference to the fact of his having knowledge of the presence of the blockade-runner, Mrs. Slater, at the house of Mrs. Surratt, and not giving the information to the Government, that he debated the point with himself for some time, and thought, finally, as she had been there only one night, he would say nothing about it.

James Walker (colored) testified that he was living at the Pennsylvania House in April. Atzerott came thero on the 15th of April, about two o'clock in the morning, and left between five and six in the morning.

William Clendenin identified the knife as the one picked up near the corner of F and Ninth streets on the morning after the assassination, by a colored woman.

Detective McPhail testified that Atzerott said to him that he had thrown the knife away; and that a coat found at Atzerott's room had in it a pistol which belonged to Herold.

Lieut. W. R. Klien testified that he saw the prisoner Atzerott at the Pennsylvania House; saw Atzerott in the room and said to him, "Have you heard of the assassination of the President?" he said, "Yes, it was an awful thing." I awoke about seven in the morning and he was gone; some time before the assassination I saw the prisoner have a knife in the bed with him; he went out, and when he returned said, "Lieutenant, have you seen my knife?" I told him, "Yes, have it;" he said, "If one fails I have the other."

Rev. Mr. Ryder of Chicago testified. I visited Richmond in the month of April, remaining from the 13th to the 21st, and picked up in or near the State House a letter, of which the following is a copy:

RICHMOND, Feb. 11, 1865.

His Excellency Jefferson Davis President C. S. A.
When Senator Johnson and myself waited upon you some days since, in relation to the project of annoying and harassing the enemy by means of burning their shipping, towns, &c., &c., there were several remarks made by you on the subject that I was not fully prepared to answer, but which, upon subsequent conference with the parties proposing the enterprise, I find cannot apply as objections to the same.

First, the combustible material consists of several preparations, and not one alone, and can be used without exposing the party using them to the least danger of detection whatever. The preparations are not in the hands of Mr. Daniel, but are in the hands of Professor McCullough, and are known but to him and one other party, as I understand. Second, there is no necessity for sending persons in the military service into the enemy's country; but the work may be done by agents, and, in most cases, by persons ignorant of the facts, and, therefore, innocent agents.

I have seen enough of the effects that can be produced to satisfy me that, in most cases, without any damage to the parties engaged, and in others but very slight, we can, first, burn every vessel that leaves a foreign port; 2d, we can burn every transport that leaves the harbor of New York, or other Northern ports, with supplies for the armies of the enemy in the South; 3d, burn every transport or gunboat on the Mississippi river, as well as devastate the country and fill the people with terror and consternation. I am not alone in this opinion, but many other gentlemen are as fully and thoroughly impressed with the conviction as I am. I believe we have the means at our command, if promptly appropriated and energetically applied, to demoralize the Northern people in a very short time.

For the purpose of satisfying your mind on the

subject, I respectfully and earnestly request that you will have an interview with Gen. Harris, formerly a member of Congress from Missouri, who, I think, is able by conclusive proofs to convince you that what I have suggested is perfectly possible and practicable. The deep interest I feel for the success of our cause in this struggle, with the conviction of the importance of availing ourselves of every element of success, must be my excuse for writing you and requesting you to invite Gen. Harris to see you. If you should see proper to do so, please signify the time when it will be convenient for you to see him.

I am, respectfully,

Your ob't servant,

W. G. OLDHAM.

On the back of the letter are two endorsements, the first being—

"Gen. W. G. Oldham, Richmond, Feb. 12, 1862. In relation to plans and means of burning the enemy's shipping, towns, etc.; preparations are in the hands of Prof. McCullough, and are known to only one party. Ask the President to have an interview with Gen. Harris, formerly from Missouri, on the subject. Secretary of State, at his convenience, please see Gen. Harris and learn what plan he has for overcoming the difficulty heretofore experienced."

J. D., 20th of Feb., 1865.

Received Feb. 17, 1865."

Messrs. John Foss and Nathan Rice of the War Department, testified to the best of their knowledge the endorsement was in the handwriting of Jefferson Davis.

Other witnesses were examined.

Washington Buerr testified he saw Atzerott between 11 1/2 and 12 o'clock on the night of the assassination. He got into a street car at Sixth street, and rode toward the Navy Yard; he stopped near the Navy Yard to wait till a car came back; he was a little excited.

Joshua J. Oren testified to knowing Professor McCullough for twenty years; he was distinguished as a chemist; was Professor of Chemistry in Princeton College, and Professor of Mathematics at Jefferson College, Pennsylvania, when witness graduated, and in 1839 or 1840 assayed at the mint at Philadelphia.

Judge Abram B. Oren testified that he visited Ford's theatre on the 15th and 16th of April, and inspected the President's box. He described the apparent preparation for a brace and the incision in the door, &c.

Major Rathbone was re-examined, and stated that the brace was against the inside of the door, and he removed it without difficulty when he went for medical aid for the President. He thought it could not be loosened out by any pressure from the outside.

Isaac Jacquet testified to finding the bar or brace and taking it home. A piece was sawed off subsequently by an officer, but he did not finally take it away.

Joseph Leming (colored) was re-examined. He said he was sent by Ford to bring a rocking-chair from his room; when he brought it Spangler was not on the stage. On the cross-examination he said he did not know certain but what he might have been there.

Lieut. Fosdy was recalled and testified that he had revisited the stable at the corner of Seventeenth and J streets and recognized the horse he saw upon the night of the 14th of April.

William Eaton testified that he went to Booth's room on the night of the assassination, opened his trunk and took out papers and placed them in the hands of Lieut. Terry at the Provost Marshal's office.

Lieut. Terry, attached to the Provost Marshal's office, testified to the receipt of the foregoing papers, and produced the following letter, the envelope was addressed to "J. Wilkes Booth, Esq., National Hotel, Washington City," and post-marked "Baltimore, March 30," which was read by Col. Burnett to the court:

HOOKSTOWN, Baltimore County, March 21, 1865.

Dear John: Was business so important that you could not remain in Baltimore until I saw you? I came in as soon as I could and found you had gone to Washington. I called also to see Mike, but learned

from his mother he had gone out with you and had not returned. I concluded, therefore, he had gone with you. How inconsiderate you have been. When I left you stated we would not meet in a month or so, therefore I made application for employment, an answer to which I shall receive during the week.

I told my parents I had ceased with you. Can I, then, under existing circumstances, come as you request? You know full well the government is suspicious something is going on there, therefore the undertaking is becoming more complicated. Why not, for the present, desist, for various reasons, which if you look into you can readily see without my making any mention thereof. You know any one can censure me for my present course; you have been its cause, for how can I now come after telling them I had left you. Suspicion rests upon me now from my whole family and even parties in the country. I will be compelled to leave home any how, and how soon I care not.

Not one was more in for the enterprise than myself, and today would be there had not you done as you have. By this I mean the manner of proceeding. I am, as you well know, in need; I am, as you say, in rags; whereas, today I ought to be well-clothed. I do not feel right stalking about without means, and from appearance a beggar. I feel my dependence, but ev'n this was forgotten, for I was one with you. In time more propositions will arrive; yet do not act rashly or in haste. I would prefer for our first way, to go and see how it will be taken in Richmond, and ere long I shall be better prepared again to be with you.

I dislike writing—would sooner verbally make known my views; yet you now waiting causes me to proceed. Do not in anger peruse this. Weigh all I have said, and as a rational man and a friend, you cannot censure nor upbraid my conduct. I sincerely trust this, nor ought else that should, or may occur, will ever obliterate our former friendship. Write to Baltimore, as I expect on or about Wednesday or Thursday, or, if you can possibly come on, I will Tuesday meet you in Baltimore at B.

Ever I subscribe myself your friend,

SAM.

Wm. McPhail testified that the letter was in Arnold's handwriting. Arnold placed in witness's hands a confession, which had been handed to the Secretary of War.

Marshal McPhail of Baltimore testified to receiving a letter from Arnold by the latter's father, dated the 12th at Fortress Monroe. A letter was shown witness, which, he said, looked like it. He had not read the contents.

Littleton Newman testified that Arnold, on the 9th or 12th of September, received a letter containing twenty or fifty dollars; don't recollect which; I read part of the letter; it was so ambiguous I did not understand it, and asked him what it meant; he said it was something big, and I would see him in the papers, or something to that effect.

Ethan J. Homer testified to arresting Arnold at Fort Monroe; Found a Colt's pistol in his carpet bag; he gave us a statement, together with names of certain men connected with kidnapping of President Lincoln. [Mr. Coxe objected to any confession made by prisoner that might be evidence against any other of the accused. The Court admitted the witness's statement of the conversation.] Witness continued—Prisoner had stated to him that about two or three weeks previous to his going to Fortress Monroe he was at the meeting held at the Lychan House; I asked him who attended the meeting, and he gave me the name of J. W. Booth, M. O'Laughlin, G. W. Atzerott, John Surratt and a man with an alias of Mooby, and a small man whose name I could not recollect, said he wrote a letter to Booth, said he had letters of introduction to Dr. Mudd and Dr. Queen, but he didn't know who he got them from.

Mr. Thomas testified that he was acquainted with Dr. Mudd; had a conversation with him at Mr. Downey's some weeks before the assassination. He said the President of the United States was an abolitionist and the whole Cabinet were such, and the South would not be subjugated under abolition doctrines. He said the whole Cabinet would be killed within six and seven weeks and every man in Baltimore; he made the remark to me that "I was no better than they;" he was not much excited; I made the remark that the war would soon be over, that South Carolina and Richmond were taken and we would soon have peace; he went on, stating that the South would never be subjugated, that the President and Cabinet were all abolitionists and would be killed, and every Union man in Maryland.

On the cross examination witness said he communicated it to Col. Holland, Provost-Marshal of the 5th district of Maryland; he also told his brothers and others.

John Happ, telegraph clerk, testified to a despatch to M. O'Laughlin, No. 57 Exeter street, Baltimore, saying—"Don't you fear to neglect your business; you had better come at once. J. BOOTH." Witness saw J. Booth write the message.

E. C. Stewart, telegraph operator, testified to having sent the following message: "March 27. M. O'Laughlin, 57 Exeter street, Baltimore. Get word to Sam, and come on with or without him on Wednesday morning. We sell that day, sure; don't fail. J. WILKES BOOTH." Witness recognized the photograph of Booth as the man who sent the despatch.

The Court adjourned until ten o'clock tomorrow.

THURSDAY EVENING, MAY 18, 1865.

THE SUPPRESSED TESTIMONY IN THE CONSPIRACY TRIALS.

The suppressed testimony in the conspiracy cases was published on Tuesday in the National Intelligences. It implicates the rebel government in the assassination plot, and shows that the scheme for killing the President was devised nearly two years ago, soon after the defeat of the rebels at Gettysburg. An abstract of this has already been telegraphed, but so many new facts are elicited by reading the whole testimony, that we publish it in full. The first witness whose evidence bore directly upon these plots was Henry Von Stoinackor, an ex-rebel officer. The substance of his testimony is as follows:

This witness was in the rebel military service for three years, employed in the topographical department, and ranking and drawing pay as an engineer officer on the staff of General Edward Johnson. In the summer of 1863, after the retreat of the rebel army from the Gettysburg battlefield, the witness was overtaken by three civilians while on his return to the rebel camp, near Harrisburg, in the Shenandoah Valley; he found that these men were from Maryland; he rode with them and got acquainted; one was Withey Booth, and another was called Shepherd. [Witness here recognized a photograph of Booth shown to him in court.] Witness remained in the company of these men for eighteen or twenty hours. Free conversations occurred during this time, in which an attack on Mr. Lincoln was openly discussed.

BOOTH IN THE REBEL CAMP.

The same witness continued: Q. Will you state what Booth said to you in regard to any contemplated purpose of attack upon the President of the United States? Stats all that he said. A. I was asked by Booth, and those others, too, what I thought of the probable success of the Confederacy; and I told them that after such a chase as we had then got from Gettysburg, I believed it looked rather gloomy; and then Booth told me "That is no use; if we only act our part right the Confederacy will gain their independence. Old Abe Lincoln must go up the spout, and the Confederacy will gain their independence anyhow." That was the expression at the time. Q. What did you understand by the expression "he must go up the spout," from Mr. Booth? A. It was a common expression, meaning that he must be killed; that I understood always.

Q. Did he state under what circumstances that would become necessary? A. He said as soon as the Confederacy was near giving out, so soon as they were nearly whipped, that must be done; that would be the final resource to gain the independence of the Confederacy. Q. Did the citizens who were with him engage in conversation? A. Yes, sir. Q. Did they seem to assent to his sentiments? A. Certainly. Q. Did not Booth know that you were a Confederate soldier? A. Yes, sir. They asked, when they overtook me on the road, where I was going to; I told them I belonged to General Edward Johnson's staff, and was going to the army, coming from Staunton. Q. At what point did you arrive together? A. I do not know the name of the place; it is near the foot of the Swallow Run Gap.

Q. Did you meet there a number of Confederate officers—I speak of the end of your ride—with the Stonewall Brigade? A. Yes, sir; that was about three or four days afterwards; they went from me the next day; my horse could not keep up with the other horses; they were splendidly mounted, and my horse was nearly broken down; so they went on; three or four days afterward I was called to some of the regimental camps, and told that some strangers, friends of mine, wanted to see me; I did not know who it was; when I came to camp I found those three citizens, and was introduced by Capt. Randolph, personally to Looch and Stephens. Q. Was that the Stonewall Brigade? A. It was at the camp of the Second Virginia regiment. Q. Do you or do you not know whether there was a secret meeting of rebel officers on that occasion? A. That evening there was a secret meeting, where I was not admitted.

Q. Did they state to you the purpose of that meeting, and what conclusion they reached? A. Some officer afterwards who was about the meeting stated to me what was the purpose of it. Q. Was Booth in that meeting? A. I believe so; they were all in together. Q. What did he state to you as the determination and purpose of that meeting? A. The purpose of the meeting was, as I was informed afterward, to send certain officers on detached service to Canada and the borders, and to deliver prisoners, to lay Northern cities in ashes, and, finally, to get after members of the Cabinet, and kill the President; that was the main purpose; I heard that more than a thousand times, but never so much as at the time when I was informed that it was the purpose of the meeting; I always considered it common druggadoe before.

BEALL IN THE PLOT.

Q. What was the name of the officer who gave you this account of the proceedings of the meeting? A. Lieutenant Cockerill. Q. To what portion of the service did he belong, do you know? A. To the Second Virginia regiment, I believe, and the same company that Captain Beall belonged to—the captain who was executed at Governor's Island. Q. Was anything said as to what part Captain Cockerill—the one afterwards executed—was to play in these movements at the North? A. Cockerill told me Beall was on detached service, and we would hear of him. Q. Cockerill was a member of that meeting, I understand you to say? A. Yes, sir. Q. Did you, while there, see Booth and Cockerill associate together? A. I did not see them particularly; I saw them all in a crowd together.

SECRET REBEL ORGANIZATIONS.

Q. Booth was associating with all the officers? A. He was associating with a great many of them. Q. Did you know of any other secret association or meetings, having similar objects, at any time in the service with which you have been connected? A. I heard of the existence of secret orders for certain purposes to assist the Confederacy; I heard one name very frequently called, the name of one order, the "Golden Circle," and several times I heard the name of the "Sons of Liberty."

THE ASSASSINATION PLOT DISCUSSED IN RICHMOND.

Q. How many years do you state you were in the Confederate service? A. Not quite three years. Q. State whether, during the last year or two—since the reverses of the Confederacy have commenced—it has not been freely and frequently spoken of in the rebel service, as an object finally to be accomplished, the assassination of the President of the United States? A. Yes, sir; I heard that very often.

Q. Have you not heard it spoken of freely in the streets of Richmond among those connected with the rebel Government? A. Yes, sir. Q. About what time—when is the that sort of talk heard? A. At the time after the battle of Chancellorsville, when, I do not know what General it was, but believe it was General Kilpatrick, was on a raid near Richmond at the time I heard it; I was in Richmond on a furlough at the same time. Q. Whenever and whenever spoke of do I understand you to say that this sentiment of the necessity of the assassination of the President of the United States was generally assented to in the service. A. Yes, sir.

THE ASSASSINATION.

IN addition to the interesting sketches which we gave last week relating to Booth's capture we are able this week to give illustrations of GARRETT's house, on the porch of which Booth died, the ruins of GARRETT's barn in which the assassin was shot, and the house in which HAROLD resided near the Navy-yard at Washington.

The case against the assassin develops new features. President JOHNSON has issued a proclamation declaring that there is evidence in the Military Bureau which implicates in the assassination JEFFERSON DAVIS, JACOB THOMPSON, C. C. CLAY, GEORGE SANDERS, BEVERLY TUCKER, and other rebels, and offering \$100,000 for the capture within the United States of DAVIS, and \$25,000 each for the capture of the others. What this evidence is we can only vaguely conjecture, and therefore leave to further development. The fact that GEORGE SANDERS and BEVERLY TUCKER have, after most sturdily protesting their innocence, decided it after all wiser to flee from justice, will not tend to produce a conviction of their innocence.

We give an illustration on page 317 of a meeting held in Johnson Square, Savannah, April 22, to take action in regard to the death of President LINCOLN.

W. W. COX. — 317.

TRIAL OF THE ASSASSINS.

Identification of Payne, the Assaulter of Sec. Seward and Son.

Washington, 18th. This morning Charles H. Rosch was examined as to his having obtained possession of Edward Spangler's carpet-bag on the 17th, and finding therein a piece of rope eighty-one feet long the twist having been carefully taken out. Rosch was cross-examined by the Judge-Advocate, and testified that he went to Spangler's house after the arrest and found a carpet-bag there with a rope in it eighty-one feet long. The twist appeared to be taken out of it. There was nothing else in the bag except some blank paper and a dirty shirt-collar.

The Court then proceeded to the examination of Col. P. J. Taylor, on duty at headquarters of the Department of Washington, who testified that he received from Lieut. Tirrell the paper taken from Booth's trunk on the night of the 14th, written in Confederate cipher.

Wm. Eaton testified that he arrested Spangler in Washington.

Wm. Wallace testified that he arrested O'Laughlin on the 17th of April, in Baltimore; on the way to the police office O'Laughlin spoke of the assassination as a bad affair, and denied he had anything to do with it.

James Gifford, carpenter at Ford's Theatre, gave information about the fitting up of the box President Lincoln occupied. He stated that the decoration of the President's box was not within the line of Spangler's duties. "There was a man there named Beybold, an upholsterer, whose duty it was to decorate the box; but he had a stiff neck, so he told me afterward, when I asked him if I did not see him in the box. He said he was in the box, but did not decorate it." The last time witness saw Spangler in the evening was about half past nine o'clock, on the stage. Booth had access to the theatre by the back entrance at all times, and was on friendly terms with everybody there.

Mrs. Martha Murry, wife of the keeper of the Herndon House, recognized Payne as resembling the man who boarded there and left her house at 4 P.M., April 14.

William H. Wells (colored) testified that he was a servant in the house of Hon. William H. Seward on the 14th of April. He identified Payne, and said: "When he (Payne) came to the house he took off the belt; I went to the door; this man came in; he had a little package in his hand, and said it was from Dr. Verdi; he said he was sent by Dr. Verdi with particular directions how he (Mr. Seward) must take it, and he must go up; I told him he could not go up; then he repeated the words over a good while: 'Must go up; must see him.' I told him he could not, it was against my orders, and that if he would give me the medicine I would tell him how to take it, if he would leave the directions; that would not do; he started to go up; I slipped past him and went up stairs before him and asked him to excuse me; I thought perhaps he would say I refused to let him come up."

I thought he might be sent by Dr. Verdi, and would tell Mr. Seward; I tried to stop him; he said: "All right." I noticed his step was very heavy, and asked him not to walk so heavy, as he would disturb Mr. Seward; he met Mr. Frederick Seward on the steps outside of the door and had some conversation with him in the hall; he told Mr. Frederick he wanted to see Mr. Seward; Mr. Frederick told him he could not see him, as his father was asleep; at the time to give him the medicine he would take it up to his father; he said that would not do, he must see him; Mr. Frederick said: "You cannot see him." He kept on saying he must see him; Mr. Frederick said: "I am the proprietor here; I am Mr. Seward's son; if you cannot leave it with me you cannot leave it at all."

He had a little more talk, still holding his little package in his hand; Mr. Frederick would not let him see his father any way; he started toward the steps as if to go down; I started to go down before him; I had gone about three steps, and turned round, saying "do not walk so heavy," by the time I had turned round he jumped back and struck Mr. Frederick, who fell and threw up his hands; then I ran down stairs and half-did "murder!" I went to the front door and cried "murder!" I ran to Gen. Augur's Headquarters, saw no guard, and came back; by that time three soldiers had come out of the building and followed me; I had got about half way back to the house when I saw this man run out and get on his horse.

He had on a light overcoat and no hat; he had on a hat when he came into the house; I had not seen the horse at all before; I halfed to the soldiers, "There, he is getting on to his horse;" he got on his horse and started off; I followed him as far as the corner of I and 15th streets; he turned up Vermont avenue, and I lost sight of him; he struck Mr. Fred. with something round and mounted with silver; I took it to be a knife; afterward I saw him his hand twice; he hit him twice and then I ran down stairs. Witness also testified to having subsequently recognized Payne at Gen. Augur's headquarters.

Sergeant George F. Robinson testified to having been in attendance as nurse to Mr. Seward; he recognized Payne as resembling the person he saw there; he first heard scuffling in the hall and opened the door to see what the trouble was; he stood close up to it; as soon as it was opened wide enough Payne struck me and knocked me down, and then rushed up to Mr. Seward's bed, and struck him and maimed him; as soon as I could get on my feet I endeavored to haul him off the bed, and he turned upon me; there was a man came in the room who clutched him, and between the two of us we got him to the door, or by the door, when he clinched his hand round my neck, knocked me down, broke away from the other man and rushed down stairs; he struck me the first time with a knife and the last time with his fist; he stabbeth me in the forehead; I saw him cut Mr. Seward twice; he struck behind his neck the first time, then he struck him on the neck. Witness described Mr. Seward's wounds, and said Payne went down stairs immediately after striking him (Robinson).

Major Seward, son of Secretary Seward, identified Payne as the man who was at his father's house on the night of the 14th of April; he had retired at about 11 o'clock, and a short time after was aroused by screams of his sister, and rushed up stairs and seized the man, who struck witness with a decanter from the table. He made use of the words, "I am mad," "I am mad." When near the door, as witness was rushing after him, he saw by the light in the hall that he was a tall, large man, and had dark hair and no beard; got a pistol and rushed down to the front door after him; witness's own wounds were dressed, and he then went into his father's room and saw he had a large gash on his cheek, one on his throat and one under his ear; witness was satisfied that the prisoner at the bar was the same man.

Col. Morgan testified that on the 17th of April he had possession of Mrs. Surratt's house, and stated that Payne came in with a pickaxe on his shoulder. Payne said, "I guess I am mistaken." I asked him who he wanted to see. He said, "Mrs. Surratt." I told him he was right and to come into the parlor. He said Mrs. Surratt had engaged him to dig a gutter. He said he was twenty years old, was from Fauquier county, Virginia, and earned his living by the pick. He showed me an oath of allegiance which said he was from the South. He said he could neither read nor write. (Witness identified the pickaxe which Payne had on his shoulder.) He said he had no previous acquaintance with Mrs. Surratt. She knew that he was working in the neighborhood, that he was a poor man, and came to him to do the work.

The oath of allegiance contained the name of Louis Payne, Fauquier county, Virginia. He said he was from the South, and left there in February; that he had to leave there or go in the army; that he preferred to earn living by the pickaxe. He said he could not read, but could manage to write his own name. I told him he would have to go to the Provost-Marshal's office and explain. He moved a little at that, but did not answer. The prisoner and Mrs. Surratt had a conversation at the time of her arrest. Witness found some papers and photographs at the house of Mrs. Surratt. The photographs included Booth, Jeff. Davis, Alex. H. Stephens and Beauregard. We also found a card picture with this motto: "Thus will it ever be with tyrants; Virginia, the mighty; Sic Semper Tyrannos."

Major Smith testified that he was in charge of the party who took possession of Mrs. Surratt's house; he saw her after the arrest of Payne and asked her if she knew him; she said, raising her right hand, "Before God I do not know this man and have never seen him." Mrs. Surratt did not even ask for what she was arrested; she expressed no surprise or feeling at all. When I rang the bell Mrs. Surratt opened the window and said: "Is that you Kirby?" The reply was it was not Kirby, but "Open the door." She opened the door. I came into the hall and said: "Are you Mrs. Surratt?" She replied: "I am the widow of John H. Surratt." And I added: "The mother of John H. Surratt, Jr?" She replied: "I am." I said: "I have come to arrest you and all in your house."

On the cross-examination witness identified a large, gray, dirty sack coat as the one worn by Payne on the night of his arrest; but on another coat, smaller, cleaner and of a brighter gray, being produced, he said that is the coat—he said that is the coat—he recognised it by the buttons.

Surgeon-General Barnes testified to the character of the wounds received by the Seward's.

Thomas Price testified to picking up a coat on the 16th of April in the woods between Bunker Hill and Fort Saratoga; two coats were shown witness, one of Confederate gray and the other of checked cream color; witness identified the latter as the one he picked up; it had traces of blood on the sleeves.

Mr. Rosch was re-examined and identified the pocket-compass, needle-case, tooth and hair-brush, and other articles found on Payne when searched.

S. A. Clark identified a boot with Booth's name in it which had been worn by Payne. The boot had been subjected to a chemical process by him to bring out the marks in it. It was handed in him for that purpose by Assistant Secretary Field.

Mr. Jordan testified that he saw the boot after it had undergone chemical action and came to the conclusion that the name written there was "J. W. Booth." He did not know at the time who had worn it.

Mr. Marsh testified similarly, having made out the letter "J. W. B."

Wm. H. Wells (colored) was re-examined. Here the Judge-Advocate asked that he saw the boot after it had undergone removal from Payne that he might put on both the coats already spoken of. When Payne was unfastened he arose. Every eye was directed toward him; his face slightly flushed and his lips curled into an involuntary smile, and revealed the dimples in his cheek to which the colored boy had alluded in his previous testimony. He first put on the coat of the confederate gray, and over it drew the larger sized, same colored one. The hat was then handed him and he put it on and turning toward the young negro bent his dark blue eyes searching upon him.

Judge Holt then said to the boy: "Do you recognize him now?" "Yes, sir; but he had a white comforter on and looked quite well; and he had the corner of that hat over one eye turned down like; I tell you his eyes looked pretty fierce." Here the boy shook his head and added: "O, he knows me well enough." In spite of the solemn importance of the words, the homely pleasantness of the boy evoked a laugh, to which Payne himself replied by a renewal of his old smile.

Mr. Robinson was recalled and said of Payne: "He is more like the man than he was before; I should think it was he, but yet I am not sure about it."

Jacob Kitterissack testified to knowing Spangler, and to knowing that he (Spangler) owned the valise which he (witness) handed to the detectives on the 17th of April. (Kitterissack is the man commonly called "Jake" about the theatre.)

Capt. Vermerstirch testified that he was at Mrs. Surratt's house on the 17th of April, when she and Payne were arrested. He identified both of them. [Mrs. Surratt removed her veil at the request of Judge Advocate Bingham, and met the glance of the witness unmoved.] Witness said he found bullet moulds and percussion caps in Mrs. Surratt's room; the caps were in one of the bureau draws, and the bullet moulds were in the top of the wardrobe. He confirmed the previous testimony as to finding photographs there.

Capt. John W. Dempsey testified to finding a likeness of Booth in the house of Mrs. Surratt, put away between the front and back of another picture.

Mr. Weichman was recalled, and testified to having seen Payne previous to the assassination in the same clothes he now wore.

Col. H. H. Wells testified that when Payne was in his custody on the 17th of April, he had on the same clothes he now wore; he had also an undershirt minus one sleeve; when I described his struggle with Mr. Seward, I said, "I shall find the blood here, and I found it on the coat sleeve and shirt sleeve." (Witness took the shirt and said, "there it is," pointing to the blood stains.) I called his attention to it and said, "What do you say now?" and he leaned against the side of the box and said nothing. I also took from him the boots that have been shown in Court, and asked him where he got them. He said in Baltimore, and he had worn them three months. I called his attention to the falsehood, apparent from their being so little worn, and sent them to the Treasury Department to see if it was possible to ascertain what this time was.

Mrs. Bice, (colored), residing at Bryantown, testified to seeing Mudd ride into Bryantown the day after the President was murdered, and there was a gentleman with him. They were on horseback; he returned in a short time; there were soldiers there in the town, and witness heard the murder spoken of. Mudd rode back alone; the other man rode a hay horse.

Mrs. Driscoll, (colored) living near Bryantown, gave similar testimony, adding that the other man went into the swamp and stayed there till the Doctor came back. Neither of the witnesses could tell whether he was young or old.

Adjourned till 11 o'clock tomorrow.

THE ASSASSINATION TRIAL.

THE KEY TO THE CIPHER DISCOVERED.

THE BEL BANK ACCOUNT IN MONTREAL, ETC.

Washington, 20th. The Court met at 11 o'clock to testimony of yesterday was read, occupying until 9 P.M.

The first witness was the Assistant Secretary of War, Mr. Davis, who identified an instrument exhibited as one he took from the office of the rebel Secretary of State, Benjamin; it is a key to the rebel lead cipher; Benjamin's office consisted of a suite three or four rooms, his personal office being the remotest of all; this was in a room occupied by his confidential secretary; most of the articles and records had been taken away, but I found some interesting documents.

This is a key to the cipher by which certain letters of the alphabet can be used for other letters, and by using these pointers such a cipher can be translated, plain writing turned into cipher; the machine is about a foot long, eight inches high, and consists of wooden cylinder which has a paper envelope inscribed with letters; the cylinder revolves in pivot holes at each end, and a bar across the top contains wooden indices pointing down to the letters.

Major Eckert testified that a cipher shown him which was taken from the trunk of J. Wilkes Booth and that taken from the rebel Secretary of War's office were the same. Several rebel cipher despatches which have fallen into the hands of our War Department had been referred to him for examination, some of which were the same as this and worked on the same principle. Rebel despatches of the 13th and 19th of October last were in his possession, and were deciphered on the same principle, though the key-word was different. The following translation was then read:

"October 13. We again urge the imminent necessity of gaining immediate advantages. Strain every nerve for victory. We now look upon the re-election of Lincoln in November as almost certain, and we set to work to whip his henchmen to prevent it; besides, if Lincoln re-elected and his armies victorious, we set not hope even for recognition, much less the help mentioned in our last. Holcomb will explain this. These figures of the Yankee armies are correct a unit. Your friend shall be immediately set to work as you direct."

"October 19, 1864. Your letter of the 13th inst. is in hand. There is not time enough to colonize many states before November. A blow will shortly be struck here. It is not quite time. Gen. Longstreet to attack Sherman without delay and then move north as far as practicable toward unprotected points his will be made instead of the movement before mentioned. He will endeavor to assist the Republicans in collecting the ballots. Be watchful and assist in."

The original was sent to its address. The cipher of the 13th came from Canada and went to Richmond, and that of the 19th came from Richmond and went to Canada.

General Hamilton testified that he was familiar with the handwriting of Wm. G. Oldham; a paper handed him was testified to as being in Oldham's handwriting; he was formerly member of Congress from Texas; he testified to a letter from Oldham to Dr. Davis in relation to the plan for burning shipping, etc.; did not know the McCullough mentioned in the letter.

Surgeon Barnes testified that he made an examination of the body of Booth; on the left side of the neck was a scar, occasioned by an operation performed by Dr. Way for the removal of a tumor three inches below the ear.

Frank Bloise testified that he lived half a mile from Bryantown, Charles county, Maryland; was there on Saturday (at 4 P.M.) after the murder of the President; saw Dr. Mudd there between 3 and 4 o'clock, in a store.

J. H. Ward testified: Lived near Bryantown; was in Bryantown the day after the assassination; heard of the assassination in Bryantown, between 1 and 2 o'clock; witness could not tell the precise time he left Bryantown for home, but thought it was about 3 o'clock; had an impression he saw Dr. Mudd get on his horse at Bryantown, but could not swear it was Dr. Mudd.

Robert Nelson (colored) was shown a knife and testified that it looked like the one he found opposite Secretary Seward's house Saturday morning, after Secretary Seward was stabbed; found it in the middle of the street, and gave it to Dr. Wilson. He was cross-examined, but nothing new was elicited.

Dr. Wilson identified the knife as the one given him by Nelson on Saturday, the 25th of April, in Seward's library.

Col. J. B. Stewart testified that he was at Ford's theatre on the night of the assassination, and was sitting in the front chair near the orchestra, on the right hand side; there are two aisles to the orchestra, and my side was in the corner on the left hand, right under and bringing me immediately next to the music stand; at the report of the pistol I was startled; was speaking to my sister, my head being turned to the left; I glanced back to the stage; an exclamation was made and a man leaped from the President's box, alighting on the stage; he came down with his back slightly toward the audience, but as he was rising his face came fully in view.

I rose and attempted to leap on the stage; made two or three steps on the railing to the right after alighting from where I sat, and keeping my attention on the man who had alighted on the stage, and who had jumped from the President's box; when I

reached the stage, on looking to the left, I perceived he had disappeared at the left hand egress; I exclaimed "Stop that man," and then went past the length of the stage, and turning to the right was twenty feet from the door; but the door was slammed to; I got to the door very quick, but I swung it at the wrong way, but remedied that and passed out; as I approached the door, after I had said, "Stop that man," some one said he had gone on a horse, and I heard the tramping of a horse.

When I got to the door I saw a man mounting a horse; the moon was just beginning to rise and I could see him better. The horse was moving as though prematurely spurred in mounting. I ran in the direction to which the horse was heading, and when about eight or ten feet from the head of the horse the rider brought him around to the right again. The horse's feet was rattling violently upon the stones. I crossed in the same direction and was now on the right hand side of the horse, but he was gaining on me. When about two thirds of the way out of the alley he brought the horse forward and swept to the left of F street. I commanded him to stop.

I passed several persons in the passage, one or two men, perhaps five persons altogether. Near the door on the right side, I passed a person standing, who seemed in the act of turning. I saw a person there who did not seem to be moving about. The witness here identified Spangler, who looked like this latter person. Mr. Stewart then explained the route taken by Booth in escaping from the theatre by plane.

Cross-Examined. When I got out of the door the person was in the saddle, leaning forward, left foot apparently in the stirrup, making apparently a circle; he was getting control of his horse for a forward movement; was of opinion that as soon as he got his foot into the stirrup he started the horse, who having the rein drawn on one side, did not at once make a straightforward movement.

By Judge Holt. Every person that came under my notice, as I saw through the stage seemed greatly agitated and literally bewildered, except the person near the door, who did not seem to be under the same excitement.

By Mr. Ewing. It seemed to me as if it took me only so long as you could count one, two, three, four, five from the time of the report of the pistol until I reached the door. My impression was when he came from the President's box that the President had been assassinated; was so much under that impression, though I had not heard a word after the person on the horse had gone off, that I informed the people in the alley that the person who went off on that horse had shot the President; saw a profile and full view of this person as he passed around.

By Judge Holt. I recognized Booth when I saw him on the stage, after returning I took my family home and immediately went to Secretary Stanton's residence, but finding persons there, went to the police station and gave Superintendent Richards my name and what information I had; I said I thought I knew who it was; every person except the one I have mentioned seemed perfectly bewildered on the stage; I felt much vexed at Booth's getting away; could not possibly be satisfied that the door was not slammed to by some other person than the one who went out; the person whom I saw inside the door was in a position, had he been so disposed, to have interrupted the exit of Booth; he showed no agitation like the other people.

By the Court—The man nearest the door could have opened it and gone out before I did; it was immediately within his control.

Robert A. Campbell testified as follows: Reside in Montreal, Canada East; am first teller in the Ontario Bank of Montreal; identified bank account of Jacob Thompson; it commenced May 30, 1864; prior to that he had left sterling exchange drawn on relch agents at Liverpool or London for collection; as soon as the agents advised us of bills being paid, the proceeds were placed to his credit; the first advices he had were on May 30, and £2000 sterling was the amount of the account closed April 11, 1865; the aggregate amount of the credit was \$649,873; there is now a balance due him of \$17,630; he has drawn \$300,000 nearly since the first of March; he bought at one time \$100,000 in sterling exchange.

The first entry in April last was on the 4th, a check of \$100; there is a deposit receipt under date of 6th April of \$180,000, which was to be paid when presented; he purchased, April 8, £440 sterling exchange; also, £4000 sterling on the same date; on 24th March he purchased \$100,000 sterling exchange; knew Thompson personally; he had not been seen in the bank lately. His last transaction was a check given to a hotel keeper; he said he was going overland to Halifax, en route to Europe; this was about two weeks before navigation opened; he was recognized as the Agent of the Confederate States; his account was simply with Jacob Thompson; he resided part of the time in Upper Canada and part of the time in Montreal; he had other money transactions with other banks in Canada.

One transaction was of \$50,000 with the Niagara District Bank, drawn to the order of C. C. Clay. The bank sent it to us and we placed it to their credit. Knew J. Wilkes Booth; had one or two transactions with him; may have seen him in Canada a dozen times. He has still to his credit in our bank four hundred dollars. This credit arose from a deposit, the memorandum of which runs: "Check drawn on Merchants' Bank by Davis, \$225, aud tenu \$50 bills." Davis was a broker in Montreal.

Booth purchased a bill of exchange for £61; said he was going to run the blockade. He asked whether in case of capture his captors could make use of his exchange. I said No, not unless he indorsed the bill. He then said he would take \$300 worth, for which he paid American gold. These are the only two transactions he had with us. Witness identified bills taken from Booth as Ontario Bank bills. Witness stated that Thompson bought \$15,000 in greenbacks, and July 11, \$19,000; that was the amount in gold; on the 14th March last he bought \$1000 at 41 3/4; for which he paid \$553 in gold. He bought several drafts on New York.

The Judge-Advocate stated that there was only one other witness he desired to be examined today; that was a very important witness, but for the same reasons as in other instances it was not desirable that his examination should be public. The court was then cleared. The remainder of the deliberations of

the court were secret, after which the court adjourned to Monday.

It is probable that the remaining witnesses for the prosecution in the conspiracy trial will all be examined on Monday. Hon. Reverdy Johnson is preparing an argument denying the jurisdiction of a military court to try these cases. Counsel for the defence say they will have 200 witnesses whose testimony will be cumulative on certain prominent points.

JACOB THOMPSON (Buchanan's old Secretary of the Interior) vehemently denies, with prodigal scurrility of language, that he is implicated in the assassination of President Lincoln. But the evidence in the Blackburn case, elicited at the examination of that fiendish traitor, shows Thompson to have been fully cognizant of the diabolical schemes of the former for spreading infectious diseases among the loyal populations inhabiting several Union cities, and consented to remain in intimate relations with him after that knowledge. There is some testimony which is contradicted by Cleary, (who also knew of Blackburn's plans) to the effect that Thompson paid the agent of Blackburn, engaged to visit the United States, \$100, on account of the notorious doctor having first ascertained that the person employed had faithfully carried out the infamous programme previously arranged, by visiting the various places in this country marked for such a diabolical experiment.

The knowledge and consequent implication of Jacob Thompson in the yellow fever plot are unquestioned and unquestionable. The proof of that fact is irrefragable. Guilty of participation in a crime of such vast enormity, intended to desolate whole communities, it is not unnatural that he would connive at the assassination of President Lincoln or anybody else thwarting the revengeful purposes of the band of conspirators to which he belongs. The mind can hardly conceive of a greater degree of criminality than that attaching to every individual ever so remotely connected with the horrible designs of Blackburn. And Mr. Thompson's undeniable acquaintance with such a monster in human shape, and also with his deliberately formed and persistently pursued plans, is evidence sufficient to convince the public that the man who held the funds to purchase the commission of other gross outrages upon the North, would willingly assist in any enterprise promising to plunge the loyal States into disorder. Assassination would readily become one of the recreations of an individual who could confidentially consort with so atrocious a villain as Dr. Blackburn.

The following is Cleary's testimony as to the relations between Thompson and Blackburn:

I know Dr. Blackburn and Hyams; met them on several occasions in Canada, but knew nothing whatever of the enterprise they were engaged in together until I met Dr. Blackburn in Montreal, in January last; Dr. Blackburn said that he considered Hyams a great rascal; that he had him employed to distribute among the army of the United States clothing which he had prepared, I think he said, at Bermuda, infected with the yellow fever, but doubted if Hyams had carried out his undertaking, and that he proposed to make another attempt with a better agent; he said that he had more goods prepared, or that he would prepare more; I was rooming at that time in the St. Lawrence Hall with Jacob Thompson; Dr. Blackburn was boarding at the same hotel.

Dr. Blackburn told me he expected to get money from Mr. Thompson to carry out this enterprise; on the day that Mr. Thompson and myself left Montreal for Halifax, which was the 10th of April last, Dr. Blackburn proposed to go with us, as I understood, on his way to make his second attempt, when Mr. Thompson told him he was a man of family and had a reputation to sustain, and that if he persisted in this undertaking it would make him infamous, and that he would not furnish a dollar for any such undertaking; Blackburn subsequently told me that Thompson was right, and that he would give it up; Mr. Thompson and I left Montreal together, leaving Blackburn there; when Blackburn was refused the money he seemed very much disappointed; Thompson had been in Montreal about three months; from what I have heard, Blackburn has frequently spoken of the matter of which he stands charged.

Whether Thompson gave Blackburn's agent money or not, it is certain that he kept the secret of the latter, made no complaint to the Canadian authorities, but continued to number Blackburn among his friends. Nothing further is needed to prove the shameless culpability of Thompson in one of the most infamous projects conceived by the enemies of the Union during the war.

Trial of the Conspirators.

The following is the testimony given in on Saturday, May 20:

The first witness was the Assistant Secretary of War, Mr. Dana, who identified an instrument exhibited as one he took from the office of the rebel Secretary of State, Benjamin; it is a key to the rebel official cipher; Benjamin's office consisted of a suite of three or four rooms, his personal office being the innermost of all; this was in a room occupied by his confidential secretary; most of the articles and records had been taken away, but I found some interesting documents; this is a key to the cipher by which certain letters of the alphabet can be used for other letters, and by using these pointers such a cipher can be translated, or plain writing turned into cipher; the machine is about a foot long, eight inches high, and consists of a wooden cylinder which has a paper envelope inscribed with letters; the cylinder revolves in pivot holes at each end, and a bar across the top contains wooden indices pointing down to the letters.

Major Eckert testified that a cipher shown him and which was taken from the trunk of J. Wilkes Booth and that taken from the rebel Secretary of War's office were the same. Several rebel dispatches which have fallen into the hands of our War Department had been referred to him for examination, some of which were the same as this and worked on the same principle. Rebel dispatches of the 13th and 19th of October last were in his possession, and were deciphered on the same principle, although the key-word was different. The following translation was then read:

"October 13. We again urge the imminent necessity of gaining immediate advantages. Strain every nerve for victory. We now look upon the re-election of Lincoln in November as almost certain, and we need to keep his henchmen to prevent it; besides, with Lincoln re-elected and his armies victorious, we need not hope even for recognition, much less the help mentioned in our last. Halecomb will explain this. These figures of the Yankee armies are correct to a unit. Your friend shall be immediately set to work as you direct."

"October 19, 1864. Your letter of the 13th inst. is at hand. There is not time enough to colonize many voters before November. A blow will shortly be stricken here. It is not quite time. Gen. Longstreet is to attack Sherman without delay and then move north as far as practicable toward unprotected points. This will be made instead of the movement before mentioned. He will endeavor to assist the Republicans in collecting the ballots. Be watchful and assist him."

The original was sent to its address. The cipher of the 13th came from Canada and went to Richmond, and that of the 19th came from Richmond and went to Canada.

General Hamilton testified that he was familiar with the handwriting of Wm. G. Oldham; a paper handed him was testified to as being in Oldham's handwriting; I was formerly member of Congress from Texas; he testified to the plan for burning the shipping, etc.; did not know the McCullough mentioned in the letter.

Surgeon Barnes testified that he made an examination of the body of Booth; on the left side of the neck was a scar occasioned by an operation performed by Dr. Way for the removal of a tumor three inches below the ear.

Frank Bloise testified that he lived half a mile from Bryantown, Charles county, Maryland; was there on the Saturday (at 4 P.M.) after the murder of the President; saw Dr. Mudd there, between 3 and 4 o'clock, in a store.

J. H. Ward testified: Lived near Bryantown; was in Bryantown the day after the assassination; I heard of the assassination in Bryantown, between 1 and 2 o'clock; witness could not tell the precise time he left.

Bryantown for home, but thought it was about 3 o'clock; had an impression he saw Dr. Mudd get on his horse at Bryantown, but could not swear it was Dr. Mudd.

Robert Nelson (colored) was shown a knife and testified that it looked like the one he found opposite Secretary Seward's house Saturday morning, after the Secretary was stabbed; found it in the middle of the street, and gave it to Dr. Wilson. He was cross examined, but nothing new was elicited.

Dr. Wilson identified the knife as the one given him by Nelson on Saturday, the 26th of April, in Seward's library.

Cal. J. B. Stewart, testified that he was at Ford's theatre on the night of the assassination, and was sitting in the front chair near the orchestra, on the right side; there are two aisles to the orchestra, and my side was in the corner on the left-hand, right under and bringing me immediately next to the music stand; at the report of the pistol I was startled; was speaking to my sister, my head being turned to the left; I glanced back to the stage; an exclamation was made and a man leaped from the President's box, alighting on the stage; he came down with his back slightly toward the audience, but as he was rising his face came fully to view; I arose and attempted to leap on the stage; made two or three steps on the railing to the right after alighting from where I sat and keeping my attention on the man who had alighted on the stage and who had jumped from the President's box; when I reached the stage, on looking to the left, I perceived he had disappeared at the left hand egress; I exclaimed, "stop that man," and then went past the length of the stage, and turning to the right was 20 feet from the door; but the door was slammed to; I got to the door very quick, but I swung it the wrong way, but remedied that and passed out; as I approached the door, after I had said "stop that man," some one said he had gone on a horse, and I heard the tramping of a horse; the moon was just beginning to rise and I could see him better. The horse was moving as though prematurely spurred in mounting. I ran in the direction to which the horse was heading, and when about eight or ten feet from the head of the horse, the rider brought him around to the right again. The horse's feet were rattling violently upon the stones. I crossed in the same direction and was now on the right side of the horse, but he was gaining on me. When about two-thirds of the way out of the alley, he brought the horse forward and swept to the left of F-street. I commanded him to stop. I passed several persons in the passage, one or two men perhaps five persons altogether. Near the door on the right side, I passed a person standing, who seemed in the act of turning. I saw a person there who did not seem to be moving about. The witness here identified Spangler, who looked like this latter person. Mr. Stewart then explained the route taken by Booth in escaping from the theatre by planes.

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THE CONSPIRACY TRIAL.

AN ADJOURNMENT UNTIL THURSDAY.

Proceedings of Tuesday.

WASHINGTON, May 23.—The court met at half-past ten o'clock.

Mr. Aiken said that as the government found it inconvenient to close its testimony at this time to show that the conspiracy did exist, but not with special reference to the prisoners at the bar, he would tomorrow be ready to go on with the defence, as he was not disposed to waste the valuable time of the court.

Col. Burnett, the judge-advocate, remarked that four or five witnesses were yet to be examined with reference to the accused. Some of them were in Baltimore and some in this city, but the latter had not been able to cross the line of the military review to reach this place.

The testimony taken yesterday was read.

Mr. Ewing made the request, which was granted, to have his former statement amended so it might appear that he had asked that all the testimony against the accused be introduced before the commencement of the examination of the witnesses of the defence. The counsel for the defence, however, had no objection that testimony as to the general conspiracy might be hereafter introduced by the government.

Judge-Advocate General Holt briefly stated that there was difficulty of procuring attendance of witnesses at this time, and after a brief consultation the court adjourned till Thursday.

ADJOURNMENT ADV

THE TRIAL OF THE ASSASSINS.

Washington, 26th. The court-room today was again crowded. After the evidence was read the Rev. Father Lanahan and the Rev. Father Young testified that Mrs. Surratt had always had the reputation of being a woman of Christian character.

Mr. Maulsby, brother-in-law to O'Laughlin, testified that O'Laughlin and Booth were school fellows and had been intimate for 12 years.

The counsel for O'Laughlin sought to prove that O'Laughlin was willing to surrender himself to officers.

NEW YORK

5/2/4

THE POTATIONS OF TRAITORS. Every reader of the reports of the Assassination Trial, must have been struck with the regularity with which the conspirators and their friends "took a drink." Their borbacry reveals itself on all occasions. In one case it appears that a witness and one of the prisoners occupied themselves whilst in bed and before daylight in passing the cup from couch to couch. It begins to look as if another spirit was intimately associated with the spirit of the peculiar institution in perpetrating the crime of murder and carrying on the rebellion. The verdict is likely to be, Slavery and Whiskey did it.

TRIAL OF THE ASSASSINS. *Trial of the Assassins by the Ordinary Criminal Courts—Legal Difficulties.* To the Editor of the New York Times: Those persons who clamor so loudly against the trial of the assassins by a military tribunal, overlook some very important legal considerations which would, under the peculiar facts of the case, reduce a trial by the criminal courts to the condition of a farce.

This crime, which filled every reflecting person with horror, and which is stigmatized as "assassination," is, in the view of ordinary criminal law, murder, and nothing more. It is an offence only against the laws of the District of Columbia, where the United States Courts act in some respects with limited jurisdiction. There are some laws which are offences against the United States wherever they are committed, such as a breach of the Post-office laws, but this is not one of those cases. It is no crime by the United States laws to assassinate the President of the United States as such. If Mr. Lincoln had been murdered in Maryland, there would only have been a crime against the Maryland laws. Supposing that he had been assassinated in Richmond, the murderer would have been amenable only to the criminal laws of Virginia, and the United States would have presented the singular spectacle of calling upon Confederate magistrates to issue warrants, and Confederate sheriffs to execute them, or else the murderer would have gone at large. But as the act happened to be committed locally in the District of Columbia, the criminal courts of the district would have had jurisdiction. At once a host of perplexing legal questions would have arisen to embarrass the trial and confound the judgment.

I. It is very doubtful whether any of Booth's fellow-conspirators, unless actually present when the crime was committed, could be tried by the criminal courts of the District as accessories before the fact. The jurisdiction of these courts is derived wholly from statute, and the Crimes Act of the United States does not provide for the punishment of such offenders. (*United States vs. amscy*, 1 Hempstead, 481.)

II. Of what criminal offence were those persons guilty, who, not being in the District of Columbia, aided the assassins before the murder took place? Where was their crime committed, in a legal point of view? These preliminary questions must be answered before an ordinary criminal prosecution can be properly instituted against them. If the offence were committed in a State it can only be tried in a State. This is nearly so by the United States Constitution, if the offence be against the laws of the United States.

It is provided that the "trial of all crimes shall be held in the State where the crime shall have been committed." (Art. 3, sec. 2, 3d paragraph.) It is equally clear, by the common law, if the offence is against the laws of a State, for every criminal offence must be tried in the jurisdiction against which it was committed. Now, in regard to the offence, the most that can be probably claimed is that the absent persons were "accessories before the fact" to the crime of murder, or attempted murder. This is an offence entirely distinct from the crime of murder itself. By no legal fiction can a person who in Maryland counseled the commission of a murder in the District of Columbia be said to commit a crime in the District. His offence is committed in *Maryland*, and he must be indicted and tried in that State, either in the United States or State courts. (*State vs. Moore*, 6 Foster, 448. *State vs. Chapin*, 17 Arkansas 56.)

III. If this proposition be correct, it is very doubtful whether a person who is an "accessory before the fact" to a murder committed in another jurisdiction, can by the rules of the common law be convicted at all. This position may seem very technical; but the point now under consideration is, whether there are not such technicalities in the way as to make the ordinary criminal proceedings not worth pursuing. When Orsini attempted in Paris, in the year 1858, by his explosive hand-grenades, to take the life of the French Emperor, and unintentionally killed Batty, an effort was made in England to convict Bernard, a resident Frenchman, as an accessory before the fact to Orsini's crime. Bernard was tried under a statute, (9 Geo. IV., c. 31, sec. 7,) which made an English subject, who, being in England, aided the commission of murder abroad, criminally liable in the same way as if the murder had been committed in England. A grave doubt was raised at the trial, whether a resident alien could be deemed a "subject" within the meaning of the act. None of the able counsel suggested that a person could, by the common law, be tried as an accessory before the fact to a murder committed in another. (*Regina vs. Bernard*, 1 Foster and Finalson, 240.) In other words the murder must have been consummated in the jurisdiction in which the accessory committed his crime. Although England and France are countries foreign to each other, yet the principle is the same in the

present case; for any of the States of the Union and the District of Columbia are as distinct from each other in respect to the jurisdiction of their courts over such criminal offences as though they were foreign countries.

The criminal courts of the United States for the District of Columbia, have limited jurisdiction in this class of cases, although in carrying out their jurisdiction they may exercise authority in any part of the country. It is probable that if Booth's act was to be tried by the ordinary criminal tribunals, none of his fellow-conspirators, absent from the District, could be tried anywhere as *accessories before the fact*. The only semblance of authority known to favor the opposite view is a mere *dicitum* in 17 Arkansas 866.

IV. The only criminal offence of which the absent conspirators could probably be convicted is a conspiracy to commit murder. It is possible that they might be tried for this offence in the District of Columbia, on account of an overt act having been committed there. (*Commonwealth vs. Gillespie*, 7 Sergeant & Rawle.) Under certain circumstances they would be amenable to the State courts, for it is undoubted law that it is a crime to conspire in one State to commit a felony in another State or jurisdiction. But as no overt act took place in the State, it would be necessary to show the presence of two conspirators in the State where the case was tried. But even supposing that a legal conspiracy could be established, it would only be a misdemeanor. If convicted in New York, the criminals would be punished by imprisonment in the country jail for not more than six months, and fined not more than two hundred and fifty dollars. If the Judge thought fit, they might be imprisoned for one day and fined one dollar. Of what service would such a trial be in face of such a punishment?

V. Trial by the civil courts divided the whole subject into many distinct offences. Payne is tried for the attempted assassination of Mr. Seward; others for being concerned in the murder of Mr. Lincoln. Each case admits no considerations peculiar to the other. Trial by the military courts embraces the whole subject, and offers ample room for the most complete investigation.

VI. That act of aiding the assassins to escape, regarded as an ordinary criminal offence, is of but trifling insignificance. Persons who have rendered such assistance participate in no respect in the assassination, but only obstruct the course of justice. It is true that such persons may be tried by the United States authorities, though the offence is committed in Maryland, for Congress has the right to confer, and has conferred, upon its courts the power to convict and punish such offenders. (*Cohens vs. Virginia*, 6 Wheaton,) but the punishment is comparatively light, being a moderate term of imprisonment.

VII. If these positions are correct the court in the District of Columbia would only permit such evidence to be introduced as bore upon the trial of the persons before it. There could be no full and thorough investigation of all the ramifications of a plot extending to various States of the Union, and perhaps to foreign countries. The absent conspirators would not be on trial, and it would be immaterial to inquire into the facts concerning them, except so far as to aid in the conviction of the parties before the court.

These considerations lead to the conclusion that it is in the highest degree fortunate that the state of war had not been suspended when these crimes were committed. Should such a crime occur in a period of profound peace, some of the leading legal complications arising from our compound system of State and National Governments would be brought strikingly to view. But regarded as a military offence, the whole power of the general government is brought to bear on the case without respect to the delicate question growing out of conflicting jurisdictions. Cavalry pursue the fleeing criminal without thought of magistrate's warrant. Where was Boston Corbett's authority for "shooting Booth down like a dog?" Will any one contend that if Booth had fled in an opposite direction, and Corbett had done the act in Pennsylvania as he did in Virginia, he could have been arraigned and tried in the State courts for the crime of murder, and could only have defended himself by showing that he necessarily killed Booth to prevent his escape from justice?

Yet, if Booth's crime is only murder, Corbett should have acted under orders from the United States Marshal instead of a military commander. Acting without warrant, he would have been amenable to State laws, and could only justify himself as a private citizen would do who kills an escaping felon. Yet the same journals which so severely criticise the act of the administration in making the assassination a military offence, warmly commended Corbett, though he proceeded on the principle that the offender was subject to military law.

It is right to assume that the government had good grounds for its action. It would naturally hesitate to take upon itself the odium of a military prosecution without overpowering reasons. The people, on reflection, will not fail to place a generous confidence in the wisdom and judgment of the men who have been thoroughly tried in greater emergencies, and have never yet been found wanting.

T. W. D.

THE ASSASSINATION TRIAL.

Thursday's Proceedings.

Washington, 25th. On the opening of the Court for the trial of the conspirators this morning, at the request of Mr. Cox, the record was corrected by excluding from the evidence the oath of allegiance purporting to be signed by O'Laughlin, as the witness could not swear positively to the signature.

Walter Kendall testified that he knew the prisoner Arnold, and found in his carpet-bag some papers, letters, clothing, revolver and cartridges.

Major Marsh testified that he was an officer in a Maryland regiment from 1861 to March 31, 1861; he was a prisoner and was confined in Libby Prison from the 15th of June, 1863, to the 21st of March, 1864.

To Judge-Advocate Holt, I was detained, when captured, two weeks at Winchester on account of ill health; my health improving, I was compelled to march to Staunton; was treated kindly on the road by the escort; at first the rations at the Libby prison were small, but tolerable fair; half a loaf of bread was given to each man with four ounces of meat and several spoonfuls of rice; after four months meat as a regular thing was stopped; then we were deprived of wheat bread, and furnished with what is called corn bread, very coarse; I have known prisoners to be without meat three or four weeks at a time; we had a few potatoes of the worst character; a meeting of the prisoners was held and I remonstrated with the authorities; Col. Ould replied that the treatment was good enough and better than that of the rebel prisoners.

After being there five months I was taken sick with dropsy from bad treatment and was sent to the hospital; while there I saw men brought from Belle Isle in a starving condition, and out of forty at least eight or twelve died the first night; the surgeon told me "their condition was produced by want of proper treatment;" two of our prisoners escaped, which made Major Turner, in charge of the prison, become a passionate and insulting; he removed us from the hospital to Libby prison, in a wet room; some of the sick were in a dying condition, and compelled to remain there 24 hours, without cots or a morsel to eat, as punishment for the escape of the two officers; a Colonel Fowler, on being remonstrated with, said, "the treatment was too d—n good for you Yankees;" a man could not possibly live on the rations; for days we lived on what was called corn bread, which appeared to be meal and bran mixed and baked in a rough condition—on that and water alone.

Captain Enery, who had been a prisoner, testified substantially to the same treatment; the money belonging to prisoners was taken from them, and therefore they could not buy food, the bearing of the keeper was very rude, cursing and abusing the prisoners; after the battle of Chickamauga, 15 or 16 of the sick were tied in cart to keep them from falling off, although there were ambulances near by not in use; they were tied on sacks of grain; the committee of the rebel Senate knew of their terrible treatment, but did not notice them; on their visit he asked Turner for medicine, but he said he had none to give him; an inspector of the prison named Turner said the object of the treatment was to kill the prisoners, adding to it: "It is good enough for you; you had no business to come here; if I had command I would hang all of you."

Benj. Sweeney, formerly a Color Sergeant in the army, and a prisoner-of-war on Belle Isle for five months in 1863, testified that there were about 13,000 prisoners there; it was in winter; about half had shelter, and had about half enough food to live on; he had been men starved to death; the bodies of those who died were allowed to lie in trenches without being buried; they would not allow us to bury them; witness had asked special permission to do so and had been refused; he had carried out ten to twenty per day; he saw men shot down without cause and provocation; his weight was reduced from 170 to 123 pounds; didn't think he would have lived three months longer.

Wm. Bell, who was a prisoner at Andersonville for eleven months, testified that the treatment was very poor; the men had no shelter but were compelled to live in a swamp; their blankets, hats and caps, their clothing in general and money were taken from them; their rations were about half a pint of corn meal, 2 ounces of bacon and half a spoonful of salt for 24 hours; the bacon was alive; once in a while we got hold of a good piece, but not very often; the treatment killed the men off; starvation was the cause; the enemy said they did not care whether the Yankees died or not; Howell Cobb made a speech there in February; his remarks were very bitter; he said "the treatment was the best they could do; that if the authorities looked after them a little more probably they would fare better" he only said a few words and did not seem to care much about the prisoners; the heat was very intense; the water they had to drink was made filthy by dead animals thrown into the creek above; their reply in remonstrance thereto was, "they didn't care a d—n for Yankees."

When the witness went in, in June, as many as six or eight were shot dead a day; if a man got half a foot over the dead line, or near it he was shot; it was said they got a furlough for 30 days for shooting a Yankee; Cobb, in a speech, said something about a plan to burn and plunder the North; I cannot tell what were the words used; the treatment of the sick prisoners was very poor; they got pitch-pine pills for everything; they got no regular medicine; not a cent of the prisoners' money was returned to them; for nine months the witness had nothing to wear but a pair of drawers and shirt, his clothes had been taken from him; he laid on the open ground from that time without a bit of shelter.

Thousands were in the same fix; the corpse of a man who died in the morning could not be approached at night within twenty feet, and pitchforks had to be used to carry the body off to the trenches; clothing sent there by one Government was taken by the rebel captain in charge; over half the deaths were by starvation; the food was the cause of their sickness, and after they got sick the food was no better; he would not think of eating such food now, but a man in danger of starvation might.

E. W. Ross, clerk in the Libby prison in March, 1864, testified that the prison was minuted at the time of Kilpatrick's raid; had the fuse in Major Turner's office; it was an 8-second fuse; Turner told him it was to set the powder off in case the raiders got into the city, to blow up the prison and prisoners; the powder was taken away in May, secretly; Turner was a subordinate at the rebel war department.

John Latouche testified that Turner told him Gen. Winder had been to see the Secretary of War, and they were going to put powder into the building; it was in 25-pound packages, about a hundred pounds in all; a hole was dug in the centre of the middle basement and the powder was put down there; the ground was then covered over with gravel; I took one of the sentries from the outside of the building and placed him over the powder that no accident might occur; the next day Turner showed us the fuse in the office; the powder remained there till May, when the prisoners were all removed; Gen. Winder then sent word to remove the powder as secretly as possible; I heard him say it was to blow up the place in case the raiders got into Richmond.

Another witness named McGeet was called, when the Judge-Advocate-General asked him whether Arnold was ever in the rebel service.

Mr. Ewing objected to the question. The Judge-Advocate-General briefly argued that the interrogatory was pertinent, as history had proved. The assassination was manifestly a political offence and was the sequence of disloyalty. The Court decided that the question should be answered.

The witness then replied that he saw Arnold in a rebel uniform in Richmond in the beginning of the war.

Three colored persons testified as to their acquaintance with Dr. Mudd, and said his conduct showed him to be a rebel sympathizer, and stated that he had assisted rebel soldiers.

A young man from Georgetown testified that on the morning after the assassination he loaned Atzerrott ten dollars, the prisoner leaving with him a revolver as security. [The pistol was produced, which witness identified.] It had been loaded ever since.

Irvine Washington was sworn, and said she was at Dr. Mudd's place, and left his house nearly two years ago; she heard Mudd say, the summer before last, that Lincoln would not keep his seat long; two or three men were present at the time, dressed partly in gray and partly in black, and they slept in the pines; Dr. Mudd sometimes carried victuals to them. Mary Miles, also a slave of Dr. Mudd, testified that she left his house a month before last Christmas; she had seen two or three men sometimes in the house and sometimes out in the woods, where they had their bed—last summer; one of these men was John Surratt; witness heard one of them say to Mudd that "Old Abe Lincoln was a d—d old son of a b— and ought to have been dead long ago," when Mudd replied that he was much of the same mind; this was in tobacco planting time last year.

Several other colored witnesses testified of Mudd and others conversing in praise of the rebels. Ben. Garner said to Mudd of Stonewall, "that if he was going to cross at Point of Rocks he would take Washington and burn old Lincoln in his own house." Mudd said he would not be surprised.

THE DEFENSE.

The defence then opened. Reverend Father Winger testified that he had been acquainted with Mrs. Surratt for eight or nine years, and had always heard her well spoken of and had never heard anything that would detract from her Christian character.

Reverend Fathers Boyle and Stonestret testified to the same effect, and had never heard her utter disloyal sentiments.

Mrs. John Hallather who boarded with Mrs. Surratt, testified that she saw Payne there when he called himself Wood. Mrs. Surratt said he was a Baptist minister. Witness saw Atzerrott once or twice. Mrs. Surratt said she would not board the latter.

Miss Howard Fitzpatrick testified that she boarded at Mrs. Surratt's from October until her arrest after the assassination; only saw Payne there three times, the last time in March; Atzerrott only stayed there a short time; she believed Mrs. Surratt sent him away; Weichman was treated like a son there; saw Booth there the Monday before the assassination; the last time witness saw John Surratt was the night he left home, two weeks before the assassination.

B. F. Gwynne, residing near Surrattville, testified that he was at Mrs. Surratt's house the day of the assassination; she gave him a letter for Mrs. North; he saw John M. Lloyd that day at Marlborough; parted with him on the road that afternoon; did not see him afterward; he had been drinking right smartly; did not see him at Mrs. Surratt's.

Capt. George Collingham testified that he was a special officer in Major O'Brien's board of enrollment, and was engaged in making arrests after the assassination; saw Lloyd after his arrest; he was not in my care at Surrattville; he denied knowing anything about it, and for two days continued to deny it; I finally told him I was satisfied that he knew about it, that he had it on his mind, and that the sooner he got rid of it the better; he said, "Oh, my God! if I should make a confession they would murder me;" said I, "Who would murder you?" he said, "Those parties in the conspiracy;" I told him that if he was going to free himself by letting these parties get out of it, that was his business not mine; I then put him in the guardhouse; he seemed much excited; the Lieutenant went to Washington for reinforcements.

Lloyd then stated to me that Mrs. Surratt had come down to his place on Friday, between four and five o'clock; that she told him to have the firearms ready and that two men would call for them at 12 o'clock; that two men did call; that Herold dismounted and went into Mrs. Surratt's, or rather Lloyd's tavern, and said, "I have something to tell

you;" that Lloyd said he did not want to hear it; that Herold then told him to get those firearms; that Booth said he could not carry a carbine, it was as much as he could do to carry himself as his leg was broken; that Booth said "we have murdered the President;" and that Herold said "we have picked off Seward."

I was in the house when he came in from Bryan-town, and he commenced crying out, "Oh, Mrs. Surratt, that vile woman, she has ruined me!" I said to him, "you stated that there were two carbines and that Booth could not carry his; where is that carbine?" He told me it was up stairs, and that Mrs. Surratt had some bags over it. I told him that I would cut up the house before I would go away without it. With that he told the hired man to get an axe. I did not go into the room where he went until I heard three knocks on the wall. I then went in, and after about the eleventh blow I saw the carbine. It had been suspended by a string above the plastering; it seemed to have been broken and fallen down. Q. You did not find the carbine where he told you it was? A. No, I hunted for it but could not find it.

Q. During these two days while he was denying all knowledge of these parties did he mention the name of Mrs. Surratt? A. Not while he was denying it, after he confessed he did.

Q. Did he tell you Mrs. Surratt brought the firearm there? A. No, I think he said Johny Surratt brought them there.

R. J. Conley, a former witness for the prosecution, was now summoned for the defence. His testimony coming from Baltimore with O'Laughlin on Tuesday afternoon; they went to Lichins or Runman's hotel; O'Laughlin asked me to go to the National hotel; when he got there he went to the desk, telling me to wait as he would delay me only for a few minutes; he left me standing at the door and I returned in three or five minutes; we went back to Lichins and then up the Avenue; we went as far as 11th street, turned back and went to Walker's dining saloon, took supper there, lasting three quarters of an hour; left there about eight or half past seven o'clock; returned to Runman's hotel and proceeded as far as the corner of 3d street, where O'Laughlin and Murphy left me, saying they were going to see Mr. Holloman, a sick man, and would see us on the corner again.

They returned, accompanied by Daniel Lockran, and the five started up the avenue to see the illumination; Lockran wanted us to go as far as the Treasury and the public reservation, when one complained of sore feet and would go no further; we returned down the other side of the reservation, when Murphy and Henderson said they had to leave, that it was getting to 9 o'clock; we went to Canterbury Music Hall just as they were finishing the first piece; we remained there until about 10 o'clock, and thence went to the Metropolitan Hotel, and then to Runman's Hotel, reaching there about 10 1/2 o'clock; O'Laughlin was with us at that time; we remained there about an hour; Mr. Gillett was passing there with a lady at the time, and stopped and spoke to O'Laughlin I believe.

We left there then and others joined us and we went down the avenue as far as Second street I believe; O'Laughlin was acquainted at a saloon on the corner of E and Second street, where there was a dance or something going on, and took us over there. One of the party bought tickets and we went into the hall; we stayed there about an hour, came out, went up the avenue to the Metropolitan Hotel and remained there till after one o'clock. We then went out for five minutes, came back and went to bed; O'Laughlin was with us all that night.

Q. Do you know where Secretary Stanton's house is? A. No, sir.

Q. Do you know where Willard's Hotel is? A. Yes, sir.

Q. Now, Stanton's house is more than six squares North of Willard's; I ask you whether O'Laughlin could have been there between 9 and 11 o'clock? A. No, sir.

Witness was shown a coat and pantaloons and identified them as worn by O'Laughlin.

Witnesses from Baltimore were produced who gave circumstantial accounts of where O'Laughlin was in the city at various times on the 13th and 14th of April, the object being to prove an alibi.

On the cross-examination witness said he had drank considerable liquor that night, but it was mostly ale; he never saw O'Laughlin drink any liquor; witness was with O'Laughlin all Friday until 10 in the evening when the latter went to Runman's Hotel with Mr. Fuller.

Mr. Murphy testified to coming to Washington on Thursday with O'Laughlin, Henderson and Early; Henderson proposed the trip. [The testimony was very similar to the previous witness.] He knew where Mr. Stanton's house is, and said O'Laughlin went no nearer to it than the corner of 9th street and Pennsylvania Avenue. Witness was with O'Laughlin all Friday until eight at night, when three of them left him to go to supper; was with him on Saturday from 9 A. M. until they went to the depot to go to Baltimore.

Mr. O'Laughlin testified to seeing Henderson, Murphy, Early and O'Laughlin on the steps of Runman's Hotel at a quarter-past seven on Thursday evening the 13th of April. The rest of his testimony was similar to that of previous witnesses. The prisoner could not have been at Secretary Stanton's house that evening.

Mr. Kollett testified to having seen O'Laughlin between ten and half-past ten on the evening of the 13th of April; he had been to the Capitol with a lady, and

saw him on the steps of Rummian's Hotel; joined the party subsequently, and was with them till near 12 o'clock; saw O'Laughlin Friday, and was with the whole party till between 11 and 12 at night; was at Rummian's Hotel when I received the news of the President's assassination; O'Laughlin was there, and O'Laughlin and Fuller went out soon afterward.

William Purdy, Superintendent of Rummian's Hotel, testified to seeing O'Laughlin about 10½ P. M. on the 13th of April. He and his party were in the restaurant from then until it closed at 12. Witness told them a cavalry sergeant had said the President was assassinated and that Booth was the one who did it. O'Laughlin seemed surprised; and said he had been in Booth's company and people might think he had something to do with it.

Mr. Fuller testified to seeing O'Laughlin on the 14th at Rummian's Hotel, in the evening between 7 and 8 and between 11 and 12 o'clock; O'Laughlin looked sorry when he heard of the President's assassination; he said nothing about Booth.

After a little testimony of no importance the Court adjourned until 10 o'clock tomorrow.

THE ASSASSINS' TRIAL.

Washington, 25th. This morning, at the conspiracy trial, a witness was called, who testified that on the 17th of April he searched the baggages of Arnold a short distance from Fortress Monroe and found papers, clothing and a navy revolver.

The Court here produced the pistol, which the witness identified. It was loaded then as at this time. The Court ordered the pistol to be discharged.

Two other witnesses testified as to the sickening bad treatment of sick prisoners, both in the hospital and in Libby Prison. They were told by Major Farrell, the keeper of Libby Prison, that the treatment was good enough for Yankees.

Out of 40 sick men brought in, 12 died the first night. The weakness and emaciation of the prisoners was owing to the bad character and insufficiency of food. They were told that the bad treatment was in way of retaliation, on the ground that the rebel prisoners had been treated worse than the Union prisoners.

Another witness testified that the Libby Prison was mined and Major Tower informed him he had seen Gen. Winder on the subject. The fuse was ready for the mine at the time of Kilpatrick's raid.

Another witness, named McGee, was called, whom the Judge-Advocate-General asked him whether Arnold was ever in the rebel service.

Mr. Ewing objected to the question. The Judge-Advocate-General briefly argued that interrogatory was pertinent as history had proved. The assassination was manifestly a political offence and was the sequence of disloyalty, whereupon the Court decided that the question should be answered.

The witness then replied that he saw Arnold in a rebel uniform in Richmond in the beginning of the war.

Three colored persons testified as to their acquaintance with Dr. Mudd, and said his conduct showed him to be a rebel sympathizer, and stated that he had assisted the rebel soldiers.

A young man from Georgetown testified that on the morning after the assassination he loaned Atzerrott \$10, the latter leaving with him a revolver as security.

The pistol was produced which witness identified. It had been loaded ever since.

THE CONSPIRACY TRIAL.

Washington, 13th. The Court adjourned for two hours in order to allow a medical survey on the alleged insanity of Payne as asked for by his counsel.

THE DAILY UNION.



Springfield, Mass.

Thursday Evening, May 25, 1865.

Some things Revealed by the Conspiracy Trial.

The conspiracy trial now in progress at Washington, is showing up in strong light some of the more disgusting features of Southern character and the utter wickedness and lawlessness of a state of social life based on an institution which legalized tyranny, robbery, adultery and murder. The license which comes of slavery demoralized men of intelligence, educated in all the schools, and rendered them fit subjects for "treason, strategem and spoils." Their obliquity has heretofore passed for chivalry, but time, the great avenger of all wrongs, has at last stripped off the well-wrought disguises and exposed the real guilt which lurked in concealment.

This trial is destined to do more in the way of justifying the war policy of the government before the great tribunal of history than anything that could possibly have transpired. Foreign peoples have never thoroughly believed our newspaper allegations as to the inherent barbarism of the Southern character—how could they?—and even the speeches of our representatives in Congress on this general theme, were supposed to be the approved weapons of party tactics, and occasionally over-drawn. But the testimony elicited at this trial and placed before foreign nations, uncontested, will be believed and go into that general verdict of scorn which the enlightened world will yet pronounce upon the authors and abettors of this war. The testimony already given, furnishes indubitable evidence, if any were lacking before,

that the whole spirit of the rebellion from beginning to end was one of hostility to all the instincts of human nature and the traditions of a common race, as well as to the government immediately assailed. It was alike a tournament against the ordinances of nature as well as in defiance of civil constitutions.

The letter of the young man, L. W. Allston, to Jeff Davis, proposing to undertake the fiendish mission of a general assassin for the confederates, which was introduced as evidence the other day, is a new and astounding revelation of brutality coupled with moral incorrigibility. The letter furnishes internal evidence that it was made in good faith, and that the writer was, at least, sane, if great wickedness is compatible with that normal condition of the intellect. He regarded this method of warfare, abhorrent to every degree of civilization and to many of the barbarous tribes of the Orient, as legitimate and honorable. It was, we admit, in perfect keeping with the principle contended for. That letter, which should have put chivalrous men to the blush, was turned over to the Secretary of War for his consideration, and from him to a third party. In this manner the most atrocious and despicable of all crimes was practically endorsed. Modern history furnishes no so sad a comment upon the degeneracy of the moral sensibilities and perceptions of man.

The revelations of this trial will effectually dissipate all the fascinating illusions which have for so long a time hung about Southern life and character. Beneath the pretentious lion's skin we now detect the crouching form of a sly and insidious beast. Passion rather than reason has all along been the impulsive and controlling power in their political and social life. When the world comes into full possession of the depth of depravity which this tribunal is destined to bring forward to the light of day, the mercy of our government will constitute the standing marvel of this epoch.

BOSTON DAILY EVENING

THE ASSASSINATION TRIAL.

Washington, 26th. At the opening of the court for trial of the conspirators, Mr. Aiken, counsel for Mrs. Surratt, asked for the recall of the witness Van Steineker, as he thought his testimony could be contradicted. Judge Holt said as the witness had been discharged without objection, he could not recall him for the prosecution.

B. F. Gwynn, re-examined by Mr. Aiken, identified a letter written by Mrs. Surratt to Mr. Notby on the 14th of April last, concerning the settlement for a piece of land, and threatening to bring a suit.

Rev. Father Lanahan testified to Mrs. Surratt being a good Christian woman, but knew nothing of her sentiments of loyalty.

Rev. Father Young gave similar testimony.

George A. Calvert identified a letter written by him to Mrs. Surratt, dated April 12, notifying her that Mr. Notby was willing to settle with her, and urging the settlement of his (Mr. Calvert's) claim of his father's estate, however unpleasant; the witness was not at Surrattville on the 14th of April.

W. L. Hoyte testified that he was acquainted with Mrs. Surratt; had never heard her express loyal or disloyal sentiments; knew Geo. H. Surratt by sight; last saw him in this city the latter part of February or the first of March; he is tall, of rather light complexion, delicate looking, between twenty and twenty-three years of age, and about six feet in height; my impression is that he did not wear a goatee or moustache. In the cross examination he testified that he did not know positively that he was over five feet nine inches in height.

After the usual recess, *William Maulsby* was recalled and stated the circumstances of O'Laughlin's arrest, saying that arrangements were made on the Saturday after the assassination for that purpose. O'Laughlin, the witness said, was in the rebel army between 1861 and 1862.

GOVERNMENT TESTIMONY RESUMED.

William Chamberlain testified that he was a clerk in the War Department of the Confederate States, and became acquainted with the handwriting of John A. Campbell, Assistant Secretary-of-War, and that of Harrison, Jeff. Davis's Private-Secretary. He identified the endorsements of the letter of L. Alston as theirs. [This letter was read on a former day of the trial. The writer was seeking employment to "strike at the heart of the nation."]

Henry Finnegass testified that he was at Montreal in February; he knew Sanders, Cleary and others of that circle by sight; saw them at St. Lawrence Hall and various other public places; didn't know Jacob Thompson or B. Tucker; on the evening of the 14th or 15th of February he heard Cleary say to Sanders, "I suppose they are getting ready for the inauguration of Lincoln next month;" Sanders said, "yes, but if the boys only have luck Lincoln will not trouble them much longer;" Cleary said, "is everything well?" Sanders replied, "oh, yes, Booth is bossing the job;" witness considered it at the time a piece of bragadocio; he communicated it to the Government a few days ago; didn't know John Surratt.

Charles Sweeny testified that he was in the war and a captured prisoner in Richmond, and afterward in Andersonville; he spoke of the insufficiency and bad quality of what he called the "grub;" the rebels shot down some of the men like brutes, while others died for want of food; Gen. Cobb said, "All in the stockade would before long be in the grave," and if they caught Old Abe they would hang him.

James Young gave similar testimony. At Florence the keepers of the prison threatened to starve us because our country had made a raid through the Confederacy and destroyed food. The treatment was worse at Florence than at Andersonville.

John Young testified to the identity of a confession made by Kennedy, hung at New York some time since. [The confession was made to Col. Burke, and has been published.]

Several other witnesses were produced by government to show the bad treatment of our soldiers in the prisons at Richmond and Andersonville.

The defense called two or three additional witnesses to discredit the testimony of other witnesses relative to Mudd.

DEFENSE RESUMED.

R. H. Maulsby testified to residing in Baltimore; that he was brother to M. O'Laughlin; that he came from the South in August, 1862; he was with his brother in the feed and produce business in Washington till the fall of 1863; his brother then removed from there until the 14th of March of this year; Michael had the collection and receiving of orders from customers, the goods being supplied from Baltimore; he was here off and on from the time his brother gave up business until the 14th of April; the witness knew Booth intimately; Mrs. Booth owns property opposite our house; Michael and William were schoolmates of Booth; Michael's intimacy with him has been for about 12 years; from the 18th of March until he came to Washington on the 13th of April, Michael was with me; am positive that he was at home from the first of April to the 13th; he arrived home after the assassination, on Saturday evening; I saw him about 7 o'clock; the officers had then been in the house in search of him; I informed of the fact and he told me—

[Mr. Bingham said the declarations of the prisoner cannot be produced in his defense.]

Mr. Cox stated that evidence had been adduced by the prosecution to prove that the prisoner was fleeing from arrest, and it was legitimate to meet that on the part of the defense by showing that he voluntarily surrendered himself.

Judge Holt remarked that the witness was cautioned not to repeat the declarations of the prisoner. He might state the facts relative to the arrest.

Q. Did the prisoner protest his innocence?

Objected to by Mr. Bingham, and objection sustained by the Court.

Q. State whether or not the defendant authorized you to procure an officer to take him into custody?

A. He did.

Mr. Bingham—I objected to that, but as witness has answered, let it go.

Witness said he had always regarded O'Laughlin as very amiable; didn't remember ever having seen him in a passion. On political questions he had never been violent; never heard him express opinions on the issues of the day except in a very moderate manner.

Mr. Maulsby gave an account of the surrender of O'Laughlin to the officers.

An attempt was made by the defence to introduce evidence to show that Booth was a man of pleasing address, and likely to influence young men with whom he associated, but the court refused to allow it.

James H. Notby testified that he bought some lands of Mrs. Surratt some years ago; received a letter from her on the 14th of April by Mr. Gwynn; I owed her a part of the purchase money and she wants it settled; did not see her that day.

Charles Dawson identified the card sent to President Johnson on the 14th of April as the signature of Booth.

Dr. J. C. Thomas, brother of the former witness, testified to his brother telling of the arrest of Mudd. The first time his brother ever spoke of his conversation with Mudd was after the latter's arrest. His brother's mind was not exactly right for a long time in consequence of paralytic attacks. Witness's impression was that his brother's mind was not now sound at all times. He is very talkative, tells everything he hears and believes all he hears. He has not had an attack for some time, and his health has been better.

On cross-examination witness stated that his brother said Mudd said the President and Cabinet would all be killed in a few weeks, and that he as well as other Union men in Maryland would be killed. My brother then seemed in his right mind—not at all excited.

Samuel McAllister, clerk in the Pennsylvania House, at Washington, produced the register of that house; he found the names of Dr. Mudd and J. I. Mudd on the register the 23d of December last; Mudd's name is not on the register in January.

On cross-examination witness was asked if he knew whether Dr. Mudd slept in the room with Atzerott on the night of the assassination? He answered "No; he was in bed when Atzerott came."

J. I. Mudd testified to being in Washington on the 23d of December with Dr. Mudd; witness detailed his transactions on that visit, which was purely a business one; Dr. Mudd's character is exemplary; he is of an amiable disposition, a good citizen and a good neighbor, besides being honest and correct; have lived near him all my life, and believe him humane and kind; witness saw Booth in church, near his residence in the latter part of November or first of December; he only knew his (Booth's) business from what he heard others say.

To the question as to what was the common talk Mr. Bingham objected. Mr. Ewing said the defence wished to show that Booth was in the country ostensibly for the purpose of selecting and investing in lands. This was introduced as explanatory of his meeting with Dr. Mudd, whose family were large landholders and anxious to dispose of land. Judge Holt thought a mere idle rumor was not properly admissible. The objection was sustained!

On the cross-examination witness said he had not heard the prisoner express any sentiments of opposition to the policy of the Administration, and never knew of any disloyal act of his; never saw Confederate soldiers about his house; have heard of his shooting one of his negroes, and have no doubt of its truth; have heard that the slave refused to do something and the Doctor shot him in the calf of his leg to frighten him; never heard him talk a great deal in opposition to the administration, except with reference to the emancipation policy.

J. Lucas testified to having agreed on Christmas last to carry some articles purchased by Dr. Mudd from Washington to his house.

J. C. Thompson testified that he was introduced to a man named Booth by Dr. Green at his house in October or November last; think he brought a letter to Green from somebody in Montreal named Martin; it was simply a letter of introduction, stating that Booth wanted to see the country; witness introduced Booth to Dr. Mudd; Booth's ostensible object was to purchase lands; he so stated to me, I think, and I told him Henry Mudd, father of the accused, was a large property-holder, and he ought to purchase from him; Booth asked me in regard to the roads leading to the Potomac river; I told him I knew them as far as Allen's Fresh and Newport, but no further.

I think Booth asked me if there were any horses in the neighborhood for sale; I told him I didn't know; that Government had been purchasing horses and many of the neighbors had taken their horses to Washington and sold them; think Booth stayed at Dr. Green's house that night and next day; think I saw him again about the middle of December, when he stayed at Dr. Green's all night and left early in the morning. Dr. Green is 74 years of age.

On the cross-examination witness said Booth never bought any lands here to his knowledge.

The Court here adjourned until tomorrow morning.

THE CONSPIRACY TRIAL.

SATURDAY'S PROCEEDINGS.

Washington, 27th. The prosecution called George F. Edmonds of Burlington, Vt., who testified that he is an attorney, and had charge for the U. S. of the St. Albans raid case.

Jacob Thompson, Clement C. Clay and Sandors were in attendance on the Court and assumed to be defenders of these raiders for the Confederate States.

It informed the latter that he was appointed for special service and directed him to report to Thompson and Clay for instruction, and also to select 20 escaped Confederate soldiers for the execution of such enterprise as might be intrusted to him. The original paper was provided by the rebels on the night of the St. Albans' raids.

Witness was shown a printed paper, which he declared was substantially if not an exact copy of the original which he had seen. This letter was dated Richmond, June 10th, 1864, and signed by James A. Seddon, the rebel Secretary of War, and addressed to Liout. Young. It informed the latter that he was appointed for special service and directed him to report to Thompson and Clay for instructions, and also to select twenty escaped Confederate soldiers for the execution of such enterprise as might be intrusted to him. The original paper was produced by the rebels on the night of the St. Albans raid. The following is a copy of the document in question:

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, RICHMOND, VA.,
Juno 10, 1864.

To Lieut. Bennet H. Young:

Lieut: You have been appointed temporarily First Lieutenant in the Provisional Army for special service. You will proceed without delay to the British Provinces, where you will report to Messrs. Thompson and Clay for instructions. You will, under their directions, take such Confederate soldiers who have escaped from the enemy, not exceeding twenty in number, as you may deem suitable for the purpose, and will execute such enterprises as may be intrusted to you. You will take care to commit no violation of the local law and to obey implicitly their instructions. You and your men will receive from these gentlemen transportation, the customary rations and the commutation therefor.

(Signed) JAS. A. SEDDON,
Secretary of War.

Colonel Nevins of Geosse, N. Y., testified to having seen Atzerott at the Kirkwood House on the 12th of April. This was between 4 and 6 in the afternoon. The prisoner inquired of and was informed by the witness where the Vice-President's room was and pointed it out to the former.

The witness did not know what Atzerott was, nor his name, but immediately recognized the man on coming into the court.

The witness said: I think that it was between four and five o'clock; there was no other person at dinner but the Vice-President himself; I was going away at the time and was in a great hurry; this conversation took place in the passage leading into the dining-room; I pointed to Vice-President Johnson, who was sitting at the far end, with a yellow-looking man standing behind him; do not suppose over three minutes were occupied in the conversation; have not seen the prisoner since that time until today; was in a hurry when I met the prisoner, and am not able, therefore, to give a minute description of his dress; it was dark; had on a low-crowned hat; but it is his countenance by which I now recognize him.

Belle Washington, formerly a slave of Dr. Mudd, and who had not been absent a night from his house since the emancipation proclamation was issued, testified to his leaving home three several times—first at a party, second at Gicsboro' and last at Washington—since Christmas last. She saw Herold and another man there, both going in the direction of the swamp. The witness could not identify one of the parties to be Booth by his portrait.

Jeremiah T. Mudd testified that Daniel G. Thomas, a witness for the prosecution, had a bad reputation for truth and veracity, but he could not name two men who had said so. Witness was aware that Thomas was a loyal man and had been a Government official; was not aware that the men who have spoken against Thomas are of that class who bear the general reputation of being against the Government; have no knowledge of rebels being fed and concealed in that neighborhood by residents; have seen men in Bryantown passing and repassing, who, I was told, were rebels; I regard Dr. George Mudd as having been throughout the war as strong a Union man as any in the United States; never heard him express the slightest sympathy with the rebellion; think there would be very little difficulty in establishing the tact of his reputation for loyalty being good.

Benjamin F. Guyon testified that he and others, being afraid of being arrested by Gen. Sickles, fled to Charles county, as many others had done, the party slept in the pines in August last, in the barn near the spring, on bedding furnished by Mr. Mudd; we remained four or five days; I stayed part of the time at Dr. Mudd's house and part of the time elsewhere; we were in his house most every day; our horses were at the stable; don't know who attended them; think John H. Surratt was at college at that time; came up to Washington about the first of November; gave myself up, having got tired of staying away; they administered to me the oath, and I then went home; think they said there were no charges against me; the party went to the pines to avoid arrest, as most everybody was being arrested in our neighborhood; so I went down there; have not seen Surratt in Charles county since.

I understood that the arrests in 1861 were of persons suspected of disloyalty; there were several volunteer companies whose members were arrested; the companies were commanded by Gov. Hicks; I was captain of a company of home guards, to protect the neighborhood, at that time; there was a good deal of dislocation, at that time, among the blacks; it was understood the companies were organized to stand by the State in any disloyal position she might take; I understood it; several members of my company were arrested, and, understanding there was a warrant out for me, I left; do not know what Dr. Mudd's sentiments were at that time; think we commenced organizing the company before the election of Mr. Lincoln, but it was not duly organized until after we were located about ten miles from Dr. Mudd's; I think Dr. Mudd was a member of a volunteer company got up in Bryantown; do not know positively.

Jerry Dyer. He used to live in Charles county, and knew Dr. Mudd; I went to Baltimore the first day of August and remained until October, when, hearing that some of my hands had left, I went down to see about carrying on the farm; about 30 or 40 hands had left the neighborhood about that time; know Andrew Gwynn; he has been in the rebel army since 1861; have not seen him since; never met him with Surratt and Dr. Blandford at Dr. Mudd's; never saw Surratt there; the only time I ever saw Surratt was coming into Bryantown somd 2 or 3 years ago; Surratt had a sister at school there at that time; did not see Surratt drive up to the residence of Dr. Mudd's father; know Simmes, Rachel Spencer, Elvina Washington, Eliza Elgan and Mary Simmes; they were all servants of Dr. Mudd; I bought the woman Elvina about 1890 or 1891.

Was at Dr. Mudd's house with Benj. Gwynn in September, 1861; we were in the neighborhood about a week; Mr. Gwynn came down and said they had been to the house to arrest us; stayed about Dr. Mudd's, sleeping in the pines between his house and mine several nights; got our bed clothing at Mudd's house; when near Mudd's house he brought our meals—sometimes he brought meat, bread, whiskey, &c., and Mary Simmes sometimes brought coffee; suppose the boy Milo took care of the horses at the stable and told the children to keep a good look out for us; Albion Brooks often came across; did not know that there was any warrant for my arrest; have known Daniel G. Thomas quite intimately since he was a boy; there are very few who have any confidence in him; I would not believe him under oath; have known Dr. Mudd from a boy; he was always regarded as a good citizen, a man of peace; always considered him a kind and humane master; never knew anything to the contrary excepting the shooting of the boy.

Don't know as I ever heard Thomas charged with swearing falsely; has a reputation of being intonsly loyal; do not know as I have been guilty of any act against the Government; I never wanted to see this Government hronk up; have endeavored to dissuade young men from going into the Southern army; have no knowledge of Knights of the Golden Circle; do not know that the subject of the Legislature of Maryland passing an ordinance of secession was discussed in a military organization; do not know as I ever heard any man known as disloyal speak of Mr. Thomas as not to be believed under oath; don't know as I rejoiced at the success of the rebels in the first Bull Run; suppose my sympathies were with them at that time; judge so; don't know; when Richmond was taken my sympathies were with the United States Government.

Frank Washington (colored) lived with Dr. Mudd, but testified that he had seen nothing or nobody in the premises or anywhere else at the period spoke of by other witnesses. He, however, took the horses of two men at daybreak the morning of the President's assassination. The men had come to see Dr. Mudd, but the witness got a glimpse of only one of them.

Baptist Washington (colored) testified, but all he said was, that he never knew any one to put confidence in Mary Simmes. Several others were examined, but their evidence was not in the least interesting, only for what they did not know. None of them saw fugitives in the pines, although one of them—George Booles—was frequently there.

A. S. Howell testified that he knew Mrs. Surratt; have been at her house at Surrattville, also her house in Washington. Witness knew Weichman. Witness remained at Mrs. Surratt's two days; went on a visit; had no business; was short of money. Witness showed Weichman how to make a cipher, and could tell the cipher if he saw it. Witness had a conversation with Weichman about his going South; wanted to go, but gave no reason why; his sympathies were with the South, and had done all he could for the South; had always been a friend of the South; witness did not learn of any treasonable plot at Mrs. Surratt's; Surratt never gave witness any message to take to Richmond; went to Richmond twice since the first of April, a year ago; once to buy some drafts; never carried despatches; have visited the Surratt's twice; went to Richmond about half a dozen times after forming their acquaintance; Weichman asked me if he thought I could get him a place; have been speculating a little in Virginia in King George's county; don't know as I was known by my friends as a blockade-runner; was sometimes called Spencer.

My name is A. S. Howell; the S. is for Spencer; have been acquainted with this cipher some seven years; learned it in a magician's hook; had no use for it; never met Mrs. Slader at Mrs. Surratt's house; met her at Washington in February last; have seen two of the prisoners at Mrs. Surratt's—Atzerott and Dr. Mudd; have known Dr. Mudd a long time; was in his house over a year ago; stayed only an hour or two; don't know how soon after I went to Richmond; never took the oath of allegiance; don't know that any other person was present when the conversation took place between Weichman and myself; Weichman stated that he had done all he could for the South; can't recollect the exact words.

The Court adjourned till 10 o'clock Monday.

It is now thought all the witnesses in the conspiracy trial will be examined before Thursday, and that after that day the arguments will be commenced. These will probably be in a written form from all the parties engaged in the proceedings. Efforts will be made to close the case by the end of the week.

BOSTON DAILY EVE

[From the New York Tribune, May 27.]

ALLEGED CONSPIRACY TO EXTRACT \$130,000 FROM A. T. STEWART. A few days since a young man named James Donohue called on Chief John S. Young of the detective squad, and gave to him the particulars of a somewhat novel conspiracy case in which he had been solicited to take a leading part. He stated that a few days since, while in the Washington Parade Ground, he entered into conversation with a man who claimed to be a Swede, named Erick Nassan, master and part owner of the ship Victoria, lately arrived in this port from Liverpool, with a cargo of iron consigned to A. T. Stewart the well-known Broadway merchant. In the course of the conversation the stranger informed him that Mr. S. was about to sue him to recover the value of four tons of iron, the cargo being that much short. That he believed Mr. Stewart intended to try and cheat him out of his vessel, and that as (Stewart) was a rich man, he had a plan in his mind, if Donohue chose to help him, whereby they would both become rich.

This plan was as follows: On the night of the 21st inst., when Mr. S. was on his way to the club he frequents, Donohue should give him a letter requesting him to go to a certain place; that Nassan would have a carriage in waiting at a spot that Stewart would have to pass, and as soon as he reached it, he was to be seized, thrown into a carriage, and taken to a room in Thirty-first or Thirty-second street, where he would be kept until he signed an order on his cashier for \$130,000. He was also to be made to get a clearance for the vessel commanded by Nassan, who would then ship a crew and proceed to Liverpool in ballast, taking with him Donohue, who was to receive \$10,000 for his services in the transaction. Before the time arrived for the consummation of the plot, Donohue told the story to Chief Young. Detectives Niven and Vaughan were deputed to hunt up the case, and yesterday they arrested Nassan in the Washington Parade Ground. He was taken before Justice Dowling at the Tombs, where Donohue made an affidavit setting forth the foregoing facts. The prisoner was committed for examination by the magistrate. He insists that he is innocent and knows nothing about the matter.

ASSASSINATION TRIAL.

MONDAY'S PROCEEDINGS.

Washington, 29th. In the conspiracy trial today the counsel for Mrs. Surratt endeavored to have Henry Von Zonioker recalled, alleging that they were in possession of evidence tending to impeach his former testimony.

Witnesses were examined by the defence to impeach those who had testified against Dr. Mudd.

Mr. Davis, residing at Dr. Mudd's as a laborer, testified that Mudd was only away from home three nights since the first of January; once the 26th of January to go to Henry Gardner's party with his family; once to Washington on the 23d of March with Lewellen Gardner, and the third time also to Washington; saw him every day except those three; never saw John Surratt or Booth; never heard Surratt's, Booth's, or Harold's names mentioned in the family; witness went for Mudd on the 15th of April to his (Mudd's) father; told him that there were some soldiers at the house who wanted to see him; nothing was said between them about a boat; never heard Mudd express any disloyal sentiments; saw two horses at his house; did not see the men, but heard one had broken his leg.

Julian Blors (colored), formerly residing at Mudd's, testified that he never knew of any Confederate officers or soldiers being about the house; never saw Surratt, Andrew Gwynn or Ben Gwynne at the house or heard their names mentioned; Dr. Mudd was very kind to all his slaves; he never struck Mary Simms that I know of; Mary Simms is not a great truth-teller, because she has told lies on me; the colored folks generally think her a liar; the same was the case with Mylor Simms; if he got angry with you he would tell lies on you for the sake of satisfaction; never heard Dr. Mudd talk about government or Mr. Lincoln; I left his house two days before last Christmas; Dr. Mudd's wife told me that day that he was going to Washington to buy a cooking-stove.

After recess Dr. George Mudd testified that he practiced medicine in Bryantown, Md.; he knew Dr. Sam'l Mudd; his father and mine were first cousins; knew no one in the neighborhood whose reputation was better; have always considered him a humane man; he always clothed and fed his servants well, and treated them kindly, so far as I know; I saw Dr. Mudd on the 15th of April at church; he overtook me after that on my way home to Bryantown, and I rode with him as far as his house.

Q. State whether he said anything to you about any person having been at his house?

Judge-Advocate Holt objected to the question on the ground that the government had not offered the declarations of the prisoners in evidence.

Mr. Ewing said he proposed to show by the witness, who was a man of unquestionable loyalty, that the prisoner had informed him that on Saturday morning there were two suspicious persons at his house, and desired the witness, if he thought it advisable, to inform the military authorities of the fact, but not to tell it large about the streets, lest the parties or their friends might assassinate him for the disclosure. This statement was virtually an act done during the time of that alleged release on his part, which had been urged as a means of implicating him as an accessory before and after the fact in this murder. If the fact that he was silent was to be urged against him, was not the fact of his breaking that silence to be introduced in his behalf?

Judge Advocate Holt remarked that where partial declarations were given in evidence, the accused had a right to insist that the whole should be given. In the present instance the prosecution had not offered declarations of the prisoner. The ground on which it was sought to introduce these was that they were part of the transaction itself; but the transaction at the time those declarations were made had been completed; it had closed the day before; it consisted in the fact of the prisoner having concealed and entertained these men and sent them on their way rejoicing, and that the transaction on which he was arraigned was complete at 4 o'clock Saturday afternoon. It was now proposed to introduce a declaration on the part of the prisoner made twenty-four hours after he had time to review his conduct. It was not competent to declare the motives by which the previous acts were governed.

The objection was sustained and the question was not put.

Q. State whether you communicated to the military authorities in Bryantown the fact of any suspicious persons being at the house of Dr. Mudd? A. I did; I think to Lieut. Dana, who was the principal in command of the military there at that time; I think it was Monday morning; I stated to him that Dr. Mudd had informed me that two suspicious persons were at his house, that they came there a little before daylight Saturday, and that one of them had broken a leg, which he bandaged; that they were laboring under some degree of excitement, more so he thought than should have been caused by a broken leg; that they said they came from Bryantown and were inquiring the way to Parson Wilmer's; that while there one called for a razor and shaved himself, thereby altering his appearance; that he, Dr. Mudd, improvised a crutch, or crutches, for the man with a broken leg and they went in the direction of Parson Wilmer's; I think that is about the whole of the story I told the Lieutenant.

Witness was in Bryantown on the 15th when the news of the assassination came; was at church on Sunday and the matter was talked of; no one supposed that Booth had crossed the river at that time. The reputation of *D. J. Thomas* (one of the witnesses for the prosecution) for veracity has been very bad

since I have known him; if there were a motive to misstate facts, I would not believe him under oath; I have considered him an insane man; am not prepared to say he is crazy—that he don't know how to tell the truth when under oath; have often times known him to imagine things he never saw; seven or eight years ago an insane condition of mind seemed to manifest itself in him, so that the common expression of every one in the neighborhood was, "Daniel Thomas is crazy."

On the cross-examination witness stated that he had to consider Dr. Samuel Mudd as sympathizing with the South, but never knew him to harbor rebels or commit any treasonable act. He last year took the oath of allegiance from me. So far as I have known he has obeyed the provisions of that oath.

Cot. Martin Burke testified that he knew Robert Cobb Kennedy, and identified the confession made by Kennedy in his presence a day or two before his execution. [The confession referred to was read in court. It states that his (Kennedy's) object in pouring phosphorus on the door at Barnum's Museum was not to burn it, knowing from experience it would not set boards on fire, but to perpetrate a huge joke, and that his object in attempting to burn the hotel was to retaliate for the devastation perpetrated by Sheridan in the valley; not to burn women and children, but to show the people of the North that the desolations of war were not to be confined to the South alone.]

H. B. Carter that he resided in New Hampshire, and was in Montreal last autumn, stopping at St. Lawrence Hall. He saw Geo. N. Sanders, J. Wilkes Booth, Beverly Tucker, Dr. Blackburn and others, whose names he did not recollect; he saw Thompson at Niagara Falls on the 17th of June. Witness stopped at St. Lawrence Hall from the 9th of September to the 1st of February. The persons named were in intimate association and had very little to do with those who did not sympathize with them. Witness knew Booth before going to Canada; he could not swear to having seen any of the prisoners there; he did not remember hearing John Surratt mentioned; he saw a man named Payne every morning, but do not see him here. Dr. Blackburn was there about the 20th of October, and was associated with Booth and others mentioned; there were two brothers by name of Payne, who were said to have come from Kentucky, and had been in the counterfeiting business; could not say if C. C. Clay had a room there; saw Payne on one occasion come out of Sanders's room; I think the Payne at St. Lawrence Hall was an older man than the prisoner at the bar, and he bears very little resemblance to him.

The prosecution called *Mr. Hyans*, who testified to meeting Dr. Blackburn at Toronto in December, 1862, and knew he was in the service of the rebellion; that Blackburn took witness to a private room, and asked him if he was willing to go on an expedition, telling him that he would make \$100,000 and receive more glory than Lee. Witness consented, and received a letter from Blackburn, dated May 10, last, at Havana, stating that he would arrive at Halifax, and witness made his way there, and perfected arrangements for the distribution of infected clothing and bringing trunks to New York, Philadelphia, &c. Blackburn stated that his object was to destroy the Federal army; that the clothing had been infected with yellow-fever, and that other parties were engaged with him in infecting goods amounting to one million dollars' worth with that disease and with small pox.

Witness understood that the clothing in a valise which was sent to President Lincoln was infected with both diseases. When witness returned to Hamilton he met Clay, and he telegraphed to Blackburn, who came down next night; and when witness told him what he had done he said it was all right, as big No. 2 had gone to Washington, and he was sure it would kill at 60 yards. Blackburn said Thompson would pay him, and he went to Thompson who stated he would be paid when they heard the goods had been delivered according to instructions. Witness showed them a letter from Wales & Co., when Thompson gave him \$50 on account.

William L. Wall testified that he was a merchant doing business in Washington; while he was out of town last summer his hockkeeper received a lot of shirts and coats from a man named Harris, who wanted them sold next morning; the goods were sold as desired.

A. Brewster testified he was clerk for Mr. Wall and received goods consigned by Harris; they were packed in trunks. The shirts were said to be twelve dozen, but proved to be more; advanced \$100 on them and sent an account of the sales to Toronto at the request of Harris with the balance of money due. The clothing was new and packed promiscuously in trunks.

Thomas Q. Goodwin testified that he came to Washington about the 23d of March; we came up to attend the sale of government horses; the sale did not take place as expected on that day; witness and Dr. Mudd slept together that night and returned home next day; were not separated while in Washington; did not see Booth at the time of the visit.

M. Downing testified that he knew Dr. Mudd, and also Thomas who had testified; Mudd and Thomas as met as witness' house last spring; the interview lasted half an hour; witness was present all the time; did not hear Dr. Mudd say anything about the President being an abolitionist, and would be killed with his Cabinet before long; would certainly have remembered if it had been said; Thomas never told witness, Mudd said anything of the kind; the conversation was about the collection of the Doctor's bill; Thomas told Mudd he was a detective, but didn't intend to catch anybody but himself; much of his conversation appeared to be in jest.

H. L. Mudd testified he came to Giesborough in the vicinity of Washington, on the 10th of April with Dr. Mudd to buy some horses, then went to Martin's; and thence directly home; he was not separated from

Dr. Mudd during the visit, and did not hear Booth's name mentioned; he saw Dr. Mudd three or four times a week from the 1st of January down to the time of his arrest; I never knew John Surratt being at Dr. Mudd's house; the farm which Dr. Mudd lives on is owned by his father, he living there only as a tenant, though the farm is known as the Doctor's farm, and is understood to have been set apart for witness was present a part of the time when the hood was found at Dr. Mudd's, but did not hear all the conversation.

Dr. Bradford testified to having been present at the sale of horses at Giesborough, which was attended

by Dr. Mudd and his brother; received hearing Dr. Mudd occasionally say he would like to sell his farm.

Mr. Martin was called to the stand and said he knew Dr. Mudd and the last two witnesses; they were at his house on the 23d of April.

Air. Montgomery testified that Dr. Mudd arranged last winter for the witness to bring him a stove from Washington.

The Court here adjourned until 10 o'clock Tuesday morning.

THE ASSASSINATION TRIAL.

TUESDAY'S PROCEEDINGS.

Washington, 30th. Lewis F. Bates was this morning examined for the prosecution. He testified that he resided in Charlotte, N. C. for the last four years. Jeff. Davis stopped at his house on the 19th of April, and made an address from the steps. Davis received and read to the crowd a telegram from Gen. Breckinridge, dated Greensborough, April 19, as follows:

"President Lincoln was assassinated in the theatre on the night of the 14th. Secretary Seward's house was entered the same night and he was repeatedly stabbed and is probably mortally wounded."

Witness said that after reading the despatch to the crowd Davis stated that "If it were to be done it were better it was well done." The day after, Breckinridge and Davis conversed in the house of witness on the subject of the assassination; Breckinridge remarked to Davis that he regretted it very much; it was unfortunate for the people of the South at that time; the regret seemed to be the cause of sympathy for the South and not because of the criminality of the act; Davis replied: "Well, General, I don't know—if it were to be done at all it were better it were well done, and if the same were done to Andy Johnson, the best, and Secretary Stanton, the job would then be complete."

J. C. Courtney, a telegraph operator, testified that the telegram in question passed over the wires.

Jacob Fitterspaugh testified that he was employed in Ford's theatre when the President was shot; he saw the assassin run across the stage and follow him; he found the door half open; when witness returned Spangler struck him, saying, "For God's sake don't say which way Booth went." Witness said he had always regarded Herold as a light and trifling boy, and easily influenced; he was temperate in his habits and regular in his hours.

On the cross-examination, the witness stated that a large man ran out of the theatre after him; he heard him or somebody holler out, "which way?" have not seen that man since; in about two or three minutes I came back to where Spangler was standing, and in about two or three minutes he looked scared, and as if crying.

Robert Martin, a witness for the defence, being recalled, stated he was mistaken in a portion of his testimony referring to the visit of the prisoner, Mudd, at Lis House on the 4th of April; it was J. T. Mudd, not Samuel A. Mudd, and was on the 11th, not the 4th of April. The prisoner called on him with Jere. T. Mudd on the 24th of December while he was in the market at Washington; he saw the prisoner again on the 23d of March in company with L. Gardiner, on the occasion of their stopping over night at his house; he didn't recollect seeing him on any other occasion.

Jerry Dyer, called for the defence, testified that he had intended to say he had not crossed the Potomac since 1861, but did go to Richmond at that time with the party who had been sleeping in the pines.

On cross-examination he stated the parties were Berry and Andrew Gwyn; never saw Jefferson Davis; I remained in Richmond only a week, and did not meet any rebel officials except Taylor, to whom I went to get a pass; I went to Richmond to avoid arrest; previous to going I slept in the pines near Dr. Mudd's house; at night was led by him; I belonged to a cavalry company; don't know whether the purpose of that company was to stand by Maryland whether loyal or disloyal; have not, that I am aware, proclaimed myself in favor of the secession of Maryland; I may have done it.

To Mr. Ewing—I did not go to Richmond to enter the Confederate service; took the oath of allegiance when I returned.

Mr. Gardiner testified that he had, on several occasions within the last two years, heard Dr. Mudd say he wanted to sell out; was at church in neighborhood on Sunday after the assassination was generally known; think the name of the assassin was not generally known.

Q. State whether you heard Dr. Mudd say anything as to how he regarded the assassination.

Judge Bingham objected to the question.

Mr. Ewing stated that he expected to prove that Dr. Mudd spoke of the assassination as an atrocious and revolting crime, and a terrible calamity to the country, and that he spoke of it generally among his neighbors in that way.

Objection sustained and question not put.

Joshua J. Taylor testified to residing in Prince George county. The reputation of D. G. Thomas for truth and veracity is had; he never told the truth when a lie would answer his purpose better; he has known him since he was a small boy; had no private or public difference with him.

Wm. A. Mudd testified that he lived a mile and a half from Dr. Mudd; never saw Capt. White from Tennessee, or Lieut. Perry, at or about Dr. Mudd's premises; have not seen Andrew Gwyn since he left for the South; have seen George Gwyn at church several times since he returned; never saw a man staying out in the woods about Mudd's house that I have heard of as having been south; I recollect seeing Ben Gwyn at Mudd's house; ascertain'd from him that he was recruiting, or something of that kind; that was quite 3 years ago; may have been in the first year of the war.

Francis S. Walsh testified that he has resided in Washington since 1837; am a druggist; have known Herold since he was a boy; have known him intimately since 1863; he was for nine months clerk for me; know nothing objectionable in his character; he was like most young men, light and trifling in some things, but in moral character I saw nothing to find fault with him; he was temperate in his habits and regular in hours; I should think him more easily persuaded than boys or young men of his age.

James Nokes testified that he had lived at the Navy Yard in this city since 1827; he had known Herold from his birth; had been intimate in the family 18 or 19 years; have always looked upon him as a bright, trifling boy of little reliability; should think him easily influenced, more than the generality of young men of his age; all of his conversation was of a light and trifling character.

William H. Kielatz testified to knowing Herold for 13 years; he saw him about his father's house during the month of February; I should think him more a boy than a man; he never associated with men at all.

Emma Herold, a sister of Herold, testified that he was at home on the 15th and 16th of February; she thought, also, between these days, but could not fix the date.

The rebel Gen. Johnson was called by the defence.

Gen. Howe said Johnson was educated at the United States Military Academy; it was well known as a condition precedent to an officer's receiving his commission that he must take the oath of allegiance; that it was notorious that Johnson had borne arms against this Government, and came here with his hands red with the blood of his loyal countrymen. To offer him as a witness was to insult the Court, and he moved he be ejected.

Gen. Ekin was glad the motion had been made; the introduction of such a man as a witness was the height of impertinence.

Mr. Alken, of the counsel for the defence, said the Confederate officer Jett had already appeared as a witness for the government, therefore no disrespect was intended by introducing this witness.

Judge Holt and others spoke, when General Howe withdrew his objection.

General Johnson then testified that he was acquainted with a man representing himself as Von Steinicker, who was a private in the Second Virginia Infantry; he never heard of a secret meeting such as that to which Von Steinicker testified, having in view the assassination of the President; he never heard such a thing spoken of, or desired; he never saw Booth in his camp, or heard of him till the assassination.

Mrs. Maria Jenkins testified that Herold was at her house on the 18th of February last, and received her rent.

Mrs. Potts testified that Herold was at her house on the 19th of February; told him I would send the money to the house, which I did.

Major H. H. Douglass, formerly on the rebel Gen. Johnson's staff, testified to knowing a man named Von Steinicker; he was in the 2d Virginia infantry; don't know of any secret meetings in camp at which the assassination of President Lincoln was discussed; never knew J. Wilkes Booth: as a man who has held positions in the Stonewall brigade as a private, line and staff officer, I think their integrity as men, which is equal to their reputation for gallantry as soldiers, would forbid them to be employed as night assassins of President Lincoln; I do not believe they knew anything about, or in the least sympathized in, any such unrighteous or unsoldierlike action.

Oscar Heinrich, formerly on the staff of Gen. Edward Johnson, testified that Von Steinicker was detailed to him as a draftsman, and employed as such; don't know Wilkes Booth; never saw him in camp; no secret meeting of officers ever took place in our camp at which the assassination of President Lincoln was discussed; am not cognizant of any secret society for that purpose; have never been a member of the organization known as Knights of the Golden Circle or Sons of Liberty; don't know of any other member of the staff having been; have never heard declarations at Richmond that President Lincoln ought to be assassinated.

Thomas C. Nott testified to tending bar at Mrs. Surratt's place for Mr. Lloyd; saw Lloyd on the 14th of April in the morning and just before sunset; he was pretty tight; he was going round to the kitchen in a buggy; he had been to Marlborough and was carrying round some fish and oysters; the next I saw of him he was fixing a buggy; Mrs. Surratt was in; he had been pretty tight nearly every day and night for weeks.

J. S. Perkins testified that he was at Surrattville on the 14th of April; saw Weichman drive up to the house with Mrs. Surratt; she showed me a letter from George Calvert; also two judgments obtained by Charles B. Calvert against her; I made the interest but on the judgments; she expressed no desire to me to see Lloyd; I saw Lloyd draw it up; he was very much intoxicated; Mrs. Surratt had been ready to start some time before Lloyd drove up; she had business with Captain Gwyn, and when he came she went back and stopped; I have been in intimate terms with her for the last year or two; never heard her breathe a word of disloyalty to the Government; never heard her make a remark showing knowledge of a plan or conspiracy to assassinate or capture the President or any member of the Government; I have been at her house when Union troops were passing; she was in the habit of giving them milk, tea and such other nourishment as were in the house; sometimes she got pay, and sometimes not; when large numbers of horses escaped from Giesborough, some were taken up and put out her premises; they were all given up by her; she received a receipt but never got any money; never knew her to commit any overt act against the government, and never heard her express any disloyal sentiments.

On cross-examination he said—Mrs. Surratt is my sister; I have been under arrest since last Thursday night; I was at Lloyd's hotel the night previous to my arrest; I met Mr. Colloback there; we were talking about the trial; I went there with a Mr. Collingham.

Q. Did you at that time and place say to Mr. Colloback that if he or any one like him undertook to testify against your sister you would see they were got out of the way?

A. I did not say anything of the kind.

Q. Did you say you would send any man to hell who testified against your sister?

A. I did not.

Q. Did you use any threat against him if he appeared as witness against your sister?

A. No, nothing like that.

Q. State what you did say.

A. I told him I understood he was a witness, and that he was to be a strong witness against my sister,

and I told him he ought to be, as she had raised his family.

Q. Did you call him a liar?

A. I didn't remember.

Q. Was there any anger exhibited in that conversation?

A. I did not mean it if there was.

Q. On the 14th of April did Gwyn leave Lloyd's house before Mrs. Surratt? A. I think he did; he saw her in the parlor; Weichman was there, I think; I did not hear the conversation; I spent \$300 to hold Maryland in the Union, as everybody in the neighborhood will testify; have never taken part by act, word, aid or sympathy with the rebels.

Emma S. Surratt, daughter of the prisoner, testified that she was arrested on the 17th of April; and confined in the Carroll prison; have met Atzerott several times at our house in Washington; think he did not stay over night on that occasion; he used to call sometimes; mamma told him we didn't care to have strangers there, but we treated him with politeness as we did every one who came to the house.

Weichman was a boarder at our house; he was treated too kindly; mother set up for him just as she would for my brother; Weichman engaged a room for Atzerott; when he came Weichman and he used to make private signs to each other; Payne came one night after dark and left early next morning; it was not long after Christmas; he stayed one night when he first came, and we did not see him again for some weeks; it was Weichman who brought Payne in; I went down stairs and told mamma he was there she did not understand it, and did not like strangers coming to the house, but treated him politely, as she had been in the habit of treating every one who came there; he called two or three times after that; he asked for accommodations for the night, and I said he would leave next morning, and I believe he did.

I have met Booth; he was last at our house the Monday before the assassination; he stayed but a few minutes; he never stayed long; witness recognized the picture of Spring, Summer and Autumn, (already alluded to in the trial as belonging to her); she shut the picture of Booth in it; I went to a gallery with Miss Ward, and we selected some pictures of Booth as we knew him, but my brother told me he would take them away from me, and so I hid them; I owned the pictures of Davis, Lee and Beauregard and a few others; don't remember them all; father gave them to me before his death, and I prize them on his account; I had photographs of generals McClellan, Grant and Joe Hooker; last saw him (Payne?) on Monday, two weeks before the assassination; Booth used to call and see him sometimes; one day he said Booth was crazy and he wished he would not come there.

Never heard at mother's house at any time, on any occasion, a word as to any plot or plan or conspiracy to assassinate the President; never heard any remarks made with reference to the assassination of any member of the government; never heard it discussed by any member of the family to capture the President; never saw Dr. Mudd in mother's house. [Witness had several times exclaimed, "Where is mamma?" and kept nervously glancing toward the dock, and tapping the stand with her foot impatiently. She was told she would soon see her mamma, and left the court room.]

There was no cross-examination.

Testimony of Lemons. I have known Atzerott since he was a boy; met him at Montz's between 11 and 12 on Sabbath after the assassination; I said, "are you the man who killed Abe Lincoln?" and says he, "Yes," and then we both laughed; we were joking. "Well," says I, "Andrew, I want to know the truth of it, if it is so that the President is killed?" He said, "It is so," and that he died on Saturday at 3 o'clock; I asked him if it was so about the Sowards, about the old man baying his throat ent? he said yes; that Seward was stabbed or cut at, but not killed; I asked him whether it was correct about Mr. Grant? he said he did not know whether it was so or not, and went to dinner; at the dinner table my brother asked him if Mr. Grant was killed? and he said he supposed he was; so I said, if it had been done, it was probably done by some man who got into the same train or car that he did.

I was not in his company over half an hour; I did not hear him say that if the man who was to follow Grant had followed him he would have been killed; he said if Mr. Grant was killed it must have been by a man who got into the same car or on to the same train; he was confused, or appeared so; the young lady to whom he had paid attention had turned the cold shoulder to him, or it appeared so.

Mr. Lemons, brother of the preceding witness, testified to similar effect; when me and Atzerott were in the yard after that, he said, "What a lot of trouble I see?" I said, "What have you to trouble you?" he said, "More than I shall ever get rid of."

Mrs. McAllister testified that she knew Atzerott since March last; he called at her house on the 11th of March and took a drink; didn't notice if he appeared excited; had heard him say he would not represent an insult.

W. Briscoe testified that he knew Atzerott six or seven years as Port Tobacco; he was always considered a man of very little courage.

James Keller testified he was keeper of a stable on E street near Eighth street; he let a horse to Atzerott the night of the 11th of April; Atzerott wrote his name on the slate without hesitation and referred him to responsible parties.

Samuel Smith testified that he was a stable boy at Keller's stable; the horse which Atzerott hired came in about 11 o'clock, in about the same condition as she went out; there was no foam on her.

Latest by Telegraph.

THE CONSPIRACY TRIAL.

TESTIMONY AGAINST DAVIS AND BRECKINRIDGE.

Washington, 30th. Lewis F. Bates was this forenoon examined for the prosecution. He testified that he resided in Charlotte, N. C., for the last four years. Jeff. Davis stopped at his house on the 19th of April, and made an address from the steps. Davis received and read to the crowd a telegram from Gen. Breckinridge, dated Greensborough, April 19th, as follows:

"President Lincoln was assassinated in the theatre on the night of the 14th. Secretary Seward's house was entered the same night, and he was repeatedly stabbed and is probably mortally wounded."

Witness said that after reading the despatch to the crowd Davis stated that "if it were to be done it were better it was well done."

The day after Breckinridge and Davis conversed in the house of witness on the subject of assassination. Breckinridge remarked to Davis that he regretted it very much.

It was unfortunate for the people of the South at that time. The regret seemed to be the cause of sympathy for the South and not because of the criminality of the act. Davis replied "well, general, I don't know; if it were to be done at all it were better it were well done, and if the same were done to Andy Johnson, the coast, and Secretary Stanton, the job would then be complete."

J. C. Courtney, a telegraph operator, testified that the telegram in question passed over the wires.

THE CONSPIRACY TRIAL.

Washington, 5th. After the examination of two witnesses, whose testimony was quite unimportant, the Provost-Marshal of the Court was ordered to arrest certain witnesses subpoenaed for the defence, but who failed to obey the process, viz: Judge Olin, Marcus P. Norton, and Henry Burden.

Francis R. Farrell testified that Dr. Mudd came to his house on the afternoon of the day after the assassination; he came down the main road which leads to Bryantown, and went back the same way; witness was in his house when Mr. Hardy, who was at the yard gate, hollered out to him that the President was assassinated, and Mr. Seward and son injured; witness asked Dr. Mudd about it and he said it was so, and when asked who assassinated the President, he said a man named Booth; Mr. Hardy then asked him whether it was the Booth who was down here last fall, and Dr. Mudd said he did not know whether it was or not, as there were three or four by that name, but if that was the one he knew him; the Doctor said he was very sorry the thing had occurred; he did not give the particulars of the assassination, and was not at my house more than fifteen minutes.

On the cross-examination by the defence witness stated that Mudd said it was the worst thing that could have happened; he seemed entirely in earnest; he came to see Hardy about some rail timber.

Lewis B. Haskins testified to Atzerott's cowardice.

Edward Frazer, residing at St. Louis, gave an interesting account of the steamboat burnings on the Mississippi, Ohio and other rivers by the agents of the so-called Confederate government, furnishing their names.

John Forley testified that he resided in the neighborhood of Dr. Mudd, and met him after sundown the day after the assassination; he said the news was terrible; he said he heard of it at Bryantown; he seemed to feel all the sorrow he expressed.

E. K. Watson testified that he would not believe D. J. Thomas under oath; have known him from a boy; saw him on the 5th of June; he told me he was a witness against Dr. Mudd, and that J. S. Naylor had sworn to put down his oath, but that if his oath stood he would get a portion of the reward offered for Booth.

Marcus P. Norton was re-examined, and testified to having frequently seen Booth at the National Hotel in conversation with others besides the prisoners.

Henry Burden, residing in Troy, testified that Norton's reputation for veracity is bad; he is not to be believed on oath.

The court here adjourned until tomorrow morning.

JUNE 6, 1865.

THE CONSPIRACY

Highly Important Portions of the Suppressed Testimony.

Some Startling Disclosures.

Examination of a Man who was in the Plot.

Thompson, Tucker, Sanders and Cleary implicated.

DID DAVIS APPROVE THE PLAN.

A Proposition to Poison the Croton.

Blank Commissions Made out for the Conspirators.

What Booth, Harrold and Payne did in Canada.

The Hotel Burning Scheme

Suppressed Testimony.

(From the Cincinnati Commercial June 2.)

Authority has just been given for the publication of an additional instalment of that portion of the testimony taken before the military commission, engaged in Washington is trying the accomplice of Booth, the assassin, which was at first reserved. It is of very great interest and importance.

TESTIMONY OF SANFORD COOPERSON.

Sanford Cooperson identified as follows: I am a native of New York; have resided in Canada since October last; was recruited into the Confederate army, and engaged in service in the West Division of the Confederacy at Richmond, under James A. Seddon, Secretary of War. While in Canada, was intimately acquainted with G. N. Sanders, Jacob Thompson, Dr. Blackburn, Tucke, Wm. C. Cleary, Capt. Castleton, Mr. Cameron, Porterfield, Captain Magruder, and others; also I knew Clement C. Clay, and Gen. Carroll, of Tennessee; I knew Mr. Surratt, also, and J. W. Booth, and visited them in Canada; saw Surratt there on several occasions last April, in Mr. Jacob Thompson's room; also in company with Geo. N. Sanders, and other Rebels in Canada; Surratt is about five feet nine or ten inches high, a fair-complexioned man, with light hair; I saw him about the 6th or 7th of April, with Thompson, Sanders and Booth. At that time he delivered to my presence, despatches from Richmond to Thompson, from Benjamin; and from Jeff. Davis, the latter, either a cipher despatch or a letter; Benjamin was Secretary of State of the Confederacy; previous to this Thompson conversed with me on the subject of a plot to assassinate President Lincoln and his cabinet, of which I gave notice, before the assassination, in the N. Y. Tribune, the paper of which I corresponded; I had been invited by Mr. Thompson to participate in that enterprise; when Surratt delivered these despatches from Davis, Thompson laid his hand upon the papers, and said, referring to the assassination and to the ascent of the rebel authorities, "This makes the thing all right!" the despatches spoke of the persons to be assassinated, Mr. Lecomte, Mr. Johnson, the Secretary of War, the Secretary of State, Judge Chase, and General Grant; Mr. Thompson said, on that occasion, or the day before that interview, that the assassination project would leave the government of the United States entire without a head; that there was no provision in the Constitution of the United States, by which that could be done; President Mr. Wilkes was also named, but Mr. Thompson said it was not worth while to kill him, he was of no consequence; my first interview with Thompson on this subject of assassination was in the early part of last February, in Thompson's room in St. Lawrence Hall, Montreal; he then spoke of a raid on Ogdensburg, New York; it was abandoned, but that was because the United States government received information of it; he said he would have to drop it for a time, but added, "We'll catch them asleep yet," and to me he said, "There is a better opportunity to immortalize yourself, and save your country," meaning the confederacy; I told them I was ready to do anything to save the country, and asked them what was to be done; he said, "Some of our boys are going to play a grand joke on Abe and Andy," which he said was to kill them; his words were, "remove them from office," and he said that the killing of a tyrant was not murder; that he had commissions for the work from the rebel authorities, and conferred one on Booth, or would confer one; that everybody engaged in this enterprise would be compensated, and if they escaped to Canada, they could not be successfully claimed under the extradition treaty; I knew that Thompson and the others held these commissions in blank.

Bennett Young, the St. Albans raider; it was a blank commission, filled in and countersigned by Mr. Clay; as far as I can learn from Richmond it was only signed James A. Seddon, Secretary of War; Mr. Thompson called me to examine the genuineness of Seddon's signature; he knew that Thompson and the others held these commissions in blank. They communicated to me the names of the rebels, and I might testify to the genuineness of Seddon's signature; the case of Bennett Young, before Judge Smith; the signature was genuine; in a subsequent conversation, after the first referred to in February, Thompson told me that Booth had been commissioned, and every man who would engage in it

would be; I had a conversation with William C. Cleary, on the day before, or the day of the assassination, at St. Lawrence Hall; we were speaking of the rejoicings in the States over the surrender of Lee and the capture of Richmond; Cleary said they would have the laugh on the other side of the mouth in a day or two; I think this was the day before the assassination; he knew I was in the secret of the conspiracy; it was before that he referred; the assassination was spoken of among us commonly in the winter before that; Sanders asked me if I knew Booth; I very well, and expressed some opinion as to Booth would make a fool of it, that he was desperate and reckless, and he was afraid that the whole thing would be failure; I communicated to the Tribune the intended raid on St. Albans, and the proposed assassination of the President; but they refused to publish the 'e & r'; I did this in March last, as to the President's assassination, also, in February; I think it was the fifth of April of 1865; Surratt delivered the despatches in Thompson's room four or five days before the assassination; the whole conversation showed that Surratt was one of the conspirators to take the President's life; that was the substance of the conversation; it was also understood that there was plenty of money when there was anything to be done; the conversation indicated that Surratt had a very few days before left Richmond; that he was "just from Richmond;" while I was in Canada I was a correspondent for the Tribune, and received no compensation except from the Tribune; I have not received one cent from our own government, nor the promise; they never supposed I was a correspondent for any paper; I only said I was seeking items; they supposed I was a rebel, and I was in their confidence; the proposed Ogdensburg raid was printed in the Tribune; I did not communicate this matter directly to the government, for the reason that I supposed the communication in the Tribune would be seen by the government officials, and I did not choose to have the information go to the government directly from me; I requested Mr. Gay, of the Tribune, to give the information to the government, and I believe he did so; I saw Surratt in Canada three or four days in succession, in April last; I had a conversation with him personally about Richmond; I was introduced to him by Sanders; I was expected to participate with these rebels in the raid on Ogdensburg; I never received any pay from them for any services; I heard the capture of the President talked of in February; when Mr. Thompson first suggested the assassination to me, I asked him if it would meet with the approbation of the government at Richmond; he said he thought it would, but he would know it a few days; this was early in February; Thompson did not say in April; when these despatches were delivered, this was the first approval they had received of this plot from Richmond; but I know of no others; I may infer that that was the first approval; Thompson said, in his conversation with me, that killing a tyrant in such a manner was murder, and asked me if I had read a letter called "Killing no Murder," addressed by Titus to Oliver Cromwell, that is in February; Mr. Hamlin served it named in April; the persons before named were mentioned, but Mr. Hamlin was omitted and Vice President Johnson put in his place; I saw the blockade from Richmond; these commissions were all blank but the signatures; they

were to be given as a cover, so that, in case of detection, the parties employed could claim that they were rebel soldiers, and would, therefore, claim to be treated as prisoners of war; it was understood that they would be protected as such; Thompson said if the men who were engaged in this enterprise were detected and executed, the confederate government would retain that it was no murder, only killing; I think Booth was specially commissioned for this purpose; I saw Booth in Canada in the latter part of October, with Sanders, at Mr. Thompson's, at the St. Lawrence Hall, where he was strutting about, dissipating and playing billiards; we heard these meo talk of the burning of New York and other enterprises which they have under consideration; now there was a proposition before the agents of these rebels in Canada to destroy the Croton dam, by the city of New York is supplied with water; it was supposed it would not only damage manufacturers but distress the people generally; Mr. Thompson informed me that there was plenty of force and the world would be destroyed by general conflagration; and if they had thought of this sooner than might have proved a great many necks; this was said a few weeks ago; Thompson, Sanders, Castleton, and General Carroll were present; he had arms concealed and a large number of men concealed in Chicago—some eight hundred—for the purpose of releasing the rebel prisoners there; about the same time it was proposed to destroy the Croton dam; Dr. Blackburn proposed to poison the reservoirs, and made a calculation of the amount of poison; matter it would require to impregnate the water, so as to make an ordinary draught poison and deadly; he had the capacity of the reservoirs, and the amount of water generally kept in them; strichnine arsenic, prussic acid, and a number of other things I do not remember, were named; Mr. Thompson feared it would be impossible to collect so large a quantity of poisonous matter without surprise and leading in detection; Thompson approached the enterprise, and discussed it freely; Mr. Cleary did the same; it was also spoken of by Mr. Moore, A. Falco, of Mississippi, and by a person who had been a medical purveyor in the rebel army; John Cameron, who lived in Montreal, told me that he was offered large compensation to think Mr. Thompson was to be used; they communicated for the work from the rebel authorities, and conferred one on Booth, or would confer one; that everybody engaged in this enterprise would be compensated, and if they escaped to Canada, they could not be successfully claimed under the extradition treaty; I think he lived in Toronto; there were other parties in Montreal that Blackbury employed, or endeavored to employ, but I do not remember their names; I saw Dr. Stewart Robison, a doctor of medicine, residing in Toronto; he edited a paper in Kentucky; I have seen him with Thompson and Blackburn, and he was present when some of these schemes were discussed; he approved them; he said anything that could be done under heaven would justify them under the circumstances; he appeared upon their very intimate terms with Blackburn and Thompson; three or four days after the assassination of the President I saw John H. Surratt in Canada with Porterfield, a Southern rebel, now declared a British subject by the Canadian Parliament; I learned immediately afterward that Surratt was suspected, was pursued, and had decamped; I had a knowledge that Jeff Davis was the head of the so-called Confederate States, was elected its President, and had control of its civil administration; General Carroll was present when Surratt brought the despatches from Richmond, and when they were read by Thompson; I believe there were one or two others. General Carroll, of Tennessee, then said he was more anxious that Mr. Johnson should be killed than any one else. He said: "If the d—d pick-louse was not killed by somebody" he would kill him himself. He referred to Vice-President Johnson. His expression was a word of castigation for a tailor it means a tailor's loose. Booth was known in Canada by the nickname of "Pete." I think I have heard Thompson so name him, certainly Cleary, Steed, who fired the city of New York, and who was a Canadian; he was having performed that deed by authority of the rebel government under the direction of Thompson. This was communicated to me by Thompson himself, or is conversation in his presence. Thompson said Kennedy deserved to be hanged for he was a stupid fellow, and had managed things very badly.

James B. Merritt testified—I am a physician, and have been in Canada about a year; is October and November last was in Toronto; met George Young there, a rebel from Kentucky; also, Colored Steel, from Kentucky; Young said to me, "We have something of much more importance than any raids;" he told me it was determined that "Old Abe" should never be incarcerated; that they had plenty of friends in Washington, and called Mr. Lincoln "a d—d old tyrant;" afterward saw George N. Sanders and Colonel Steele together; Colonel Steele said, "The d—d old tyrant will serve another term if he is elected;" Sanders said, at the same time, "He would keep himself close if he did serve another term." In Montreal, in February last I heard Sanders name a number of persons ready and willing to remove the President, Vice-President, the Cabinet, and some of the leading generals of the United States; and he added that there was a good amount of money to accomplish this purpose, lessening the assassination of these persons; he then read a letter which he said he had received from the president of our confederacy, naming Jefferson Davis, and which letter Justin H. Smith, a member of Congress, stated that he could to accomplish such object. There was a meeting at that time of these rebels, and a letter was read to them, the substance of which was that if the southerners in Canada and the States were willing to be governed by such a tyrant as Lincoln, he (Davis) did not wish to recognize them as friends, and that he approved of the proposal to assassinate him; Colonel Steele read the letter, also Capt. Scott, George Young, and Hill, all rebels; this meeting was about the middle of last February; at the meeting, Sanders named some of the persons who were to accomplish the assassination, and among them he named J. W. Booth, whom I had seen in Montreal in October; he also named George Harper, Chan, Caldwell, Randall and Harrison; Harold went by the name of Harrison; I heard Surratt's name also mentioned, and Harold; there was a person named whom they called "Plug Tobacco;" I saw Harold in Toronto; Sanders said Booth was heart and soul in the matter; he was a cousin to Hale who was washing in New York; he added, that if they could dispose of Lincoln in some of his drunken reveries; that if they could dispose of the President, Vice President and cabinet, and that if Mr. Seward could be disposed of, it would satisfy the people North, and that a peace could be obtained; that they had endeavored to bring about a war with England, but Seward, through his energy and sagacity, had thwarted their efforts, and for that reason they determined to get rid of him; on the 6th or 7th of April last I met Harper, who said that they were going to the States to "kick up the d—d—est row, such as had never been heard of;" he added that if I did not hear of the death of Old Abe, the Vice President, son of General Dix, in less than two days, I might put him down as a d—d fool; this was on the 6th day of April; he also mentioned the name of Booth as one of their friends there; he said they had plenty of friends in Washington, and the first care of them were going; he had intended to go to Washington as early as the 8th, together with others. I communicated this fact on the 10th of April to a Justice of the peace, named Davidson, who after the assassination, communicated it to the government. Harper returned to Canada after the assassination; he had a conversation with G. J. Clay in Toronto, in February last; he spoke of the letter of Davis which Sanders had exhibited; he seemed to understand the character of the letter perfectly, and said he thought the end would justify the means; Surratt was pointed out to me in Toronto, last February, I think; I saw Booth there two or three times, and sat at table with him once at the St. Lawrence, with Sanders, Scott, and Steele; they were conversing with Booth, and drinking wine with him at Sanders' expense; I saw Harold in Canada, in February.

Richard Montgomery testified: I know Jacob Thompson, Clement C. Clay, whom I have met in Canada a number of times since the summer of 1861 up to this time; also George N. Sanders, J. D. Holcombe, Beverly Tucker, W. C. Cleary, Harrington, Hicks, and others, under fictitious names; Thompson had several names—Carter, Clay was Holt, and Lucy, and Tracy; Jacob Thompson said he had friends of the confederacy all over the northern states willing to go any lengths, and that he could, at any time, have the tyrant Lincoln, and say of his advisors, put out of the way; that his friends did not consider it a crime, and that it would be done for the cause of the confederacy. In January, 1865, Thompson said, at Montreal, that a proposition had been made to him to rid the world of the tyrants Lincoln, Stanton, Grant, and some others, that he knew the men who made it were bold, daring men, able to execute anything they would undertake; that he was in favor of the proposition, but deferred his answer until he had consulted his government at Richmond; that he was

then only awaiting their approval; I have seen Payne, the prisoner, a number of times in Canada, about the falls, in the summer of '64, and also at the Queen's Hotel, at Toronto, C. W.; when I conversed with him I told him what I wanted him to do; he said "I will return to the U.S." and told me he was a Canadian, and had been refused; when I was about to leave the room I saw Payne in the passage way near the door, with C. C. Clay talking to him; Mr. Clay stopped me, and finished his conversation with this man in an undertone; when he left me he said, "Wait for me, I will return;" he soon came back and bade me good-bye, and asked where he could see me after a time; I told him, and appointed a meeting; I spoke to this man Payne to Clay's absence, and asked him who he was; he said, "Oh, I'm a Canadian;" which was to say, I don't wish you to ask me anything more; I mentioned him to Clay when I met him; after a time Clay asked, "What did he say?" I told him, and Clay answered, "That's so, he is a Canadian, and laughed; he added, "We treat him?" "Canadian" is an expression for their friends, and his conduct was an indication that their intercourse was of a very confidential nature; I have been to Canada since the assassination; a few days after, I met Beverly Tucker in Montreal; he said "Mr. Lincoln deserved his death long ago;" that "it was a pity he did not die long ago;" and that it was too bad the boys had not been allowed to go to him; my master told me to refer to the men who were to assassinate him; I had a conversation with Wm. C. Clay, and told him what Mr. Thompson said in January; he said that Booth was as of a party to whom Thompson had referred; he said, also, that it was too bad that the whole work had not been done, referring to the assassination; Cleary, who was a constant of Thompson, told me so; Thompson said Cleary was a very close-mouthed man; Cleary also said that "they had better look out, we have not done yet;" it was remarked that they would never be conquered, would never give up; he also said Booth had visited Thompson in winter and summer; these parties knew they were engaged in the assassination a few days after, and were destroying a great many papers, so they told me; I acted as a government detective in Canada, and assumed the name of Jas. Thompson, though I never registered it, but always some other name; my whole object was to serve the government; I saw this cypher (found among J. Wilkes Booth's effects) in Mr. Clay's house, St. Catharines, in the summer of 1864; I carried despatches from Canada to Gordonsville, and received a reply, which I carried back; I came through Washington each time, and delivered the despatches to the United States government; received the despatches at Gordonsville from a man in the rebel state department, from their Secretary of State; I carried this paper to Thompson; all these persons, named Thompson, Clay, Cleary, etc., represented themselves as members of the confederate government; received this dispatch in October last; Clay came to represent the war department; they approved the burning of our Northern cities; they represented themselves as having full powers from the rebel government to act, without referring their projects to Richmond; Thompson and Clay both said so; the attempt to burn New York city I know they were engaged in, and went to Washington three days before it happened to communicate it.

FIRST PAGE.—The Suppressed Testimony in the Assassination Trial, will be found on our first page.

The Suppressed Testimony.

The suppressed testimony in the trial of the assassination conspirators, has been published by authority of the Government. It is most startling in its character, and will be read by every one with astonishment, in which doubt would largely mingle, had not various corroborative circumstances contributed to give it weight. If true, it furnishes proof positive of the implication in the plot of the Richmond Government, headed by JEFFERSON DAVIS, and its agents in Canada, SANDERS, THOMPSON, CLAY, CLEARY, HOLCOMB, and TUCKER. It entirely justifies the proclamation of President JOHNSON, offering a reward for the arrest of these parties, and the demand understood to have been subsequently made upon the British Government for their extradition.

The witnesses swear that they were in frequent and familiar intercourse with the persons named, upon the subject of the projected assassination. Their conspiracy included plots against the lives of President LINCOLN, Vice-President JOHNSON, Secretaries SEWARD and SANTON and Genl. GRANT. Mr. WELLES was originally spoken of as among the number, but omitted upon a suggestion of SANDERS that "he did not amount to anything." Mr. HANNAH's name was at first on the list; but it was subsequently taken off and that of Mr. JOHNSON substituted. When the matter began to be talked of, CLAY was undecided as to its "propriety," and waited, until the question could be referred to the Richmond authorities. Subsequently, he received a communication from DAVIS, in which he endorsed the plan, and the arrangements for its perfection then assumed definite form.

In addition to this murderous plot, and as part of the scheme to spread panic and confusion through the North, it was proposed to poison the waters in the reservoir by which New York city is supplied, and subsequently to destroy the Croton dam by means of torpedo explosions. The details of this scheme were perfected under supervision of the infamous Dr. BLACKBURN, so prominently identified with the yellow fever plot.

A strong corroborative circumstance in support of this testimony, is the fact that weeks before the murder of the President, one of the witnesses, CONOVEN, wrote a letter to the New York Tribune, from Montreal, informing it of a plot which was being perfected in that city either to kill or kidnap Mr. LINCOLN. This letter proved him to have knowledge which gives added weight to the declarations now made by him, under the solemnity of an oath.

The traitors were misled. These men were Government agents and detectives. But by pretending sympathy with the Rebel cause, they got into the confidence of its agents, and were made possessors of its secrets. Thus crime always invites detection.

This testimony shows, as that of other witnesses has done, that BOOTH, PAYNE, SURRATT, ATZEROH, and the child HARROLD were frequently in Canada, holding most intimate communication with the Confederate agents. Thus another link is forged in the chain of evidence which lacks nothing to make it perfect.

Unsupported, the evidence thus furnished would be received with incredulity. But a thousand conspiring circumstances give it force and probability. It is perfectly consistent with the uniform character of the revelations throughout this remarkable trial, which have pointed unmistakably to something behind the scenes, now made clear. Was ever degradation more complete than that of the Confederate chiefs? Beaten, humiliated, impoverished, despised by their own ruined section, objects of contempt for the world those among them who escape the halter, will live henceforth with the mark upon their brows of an infamy such as few men have ever borne. God is just, and his judgments are righteous altogether.

Impudence Personified.

We give it up. We thought impudence had run the length of its tether when John Bull rated us for ingratitude in complaining of his conduct in helping fit out Rebel pirates. We were mistaken. The London Daily News throws all previous essays in the shade. That journal proposes that we pay the Confederate Cotton Debt contracted in Europe by Jefferson Davis & Co., and that we do this as "AN ACT OF JUSTICE TO NEUTRALS!"

Did you ever hear anything so cool? The Rebel Cotton Loan was predicated upon the assumption that the Rebellion would be successful. It was got up avowedly in the interest of the enemies of the Union. It was set on foot as a part of the machinery of warfare against us. It was organized at a critical period in the conflict, to prop up the tottering credit of the South, to save it from destruction and make the assurance of the success of traitors doubly sure. The "Loan" was managed and engineered by the *avowed* enemies of our cause—by men who were, if possible, more loud-mouthed in abuse of us than the Rebels themselves. It depended for its success upon the ability of British steamers to run our blockade and the potency of British "neutralities" to break through the wall of fire by which we were slowly encircling the doomed Confederacy. Every director and stockholder in the enterprise was virtually as much a party in the war against us as if he had shouldered a musket and taken his place in the insurgent army.

And yet in the face of this scandalous fact—a fact that should make every honest Briton hang his head in shame—the News coolly calls upon us to come to the rescue of the scoundrels who got their fingers bit by investing in the Cotton Loan, apply the balm of sympathy to their wounded spirits, nurse them in sickness, pay the doctor's bills and set them upon their feet! The honest traveller is set upon by a band of assassins; he is cut and slashed until his body is covered with wounds—but getting the better of his would-be murderers, he is asked by one of their confederates to pay for whetting the knife that were used upon him! But the News goes even farther than this: it asks us to pay a bonus upon assassination by defraying the expenses of the assault.

THE appointment of Sub-Treasurer for New York still hangs fire. The canvass is said to be very active, and the claims of the rival candidates are enforced by their respective friends with characteristic earnestness. The

clever gentleman who "does" the Washington specials for the New York Herald furnishes the public with a lot of piquant gossip, apropos of the subject, which the reader is not called upon to believe.

Threat to Murder.

A letter has been received by President JOHNSON, mailed at the Washington Post office, and signed with an anonymous name, in which he is threatened with assassination if he shall dare to permit the execution of any of the conspirators now on trial. The document has been placed in the hands of detective officers, who are endeavoring to ferret out its author. It will not do to regard this subject with indifference, nor even to conclude, or is said to be claimed, that the epistle was the production of a mere monomaniac. The evidence which has been collected on the trial, now in progress, shows a wide-spread conspiracy, involving a large number of the most desperate and conscienceless rascals in the country, who are banded together for purposes of murder, and pledged to avenge each other by the last sacrifice if necessary. There are a hundred reasons why these villains should desire the death of Mr. JOHNSON, vastly more than that of Mr. LINCOLN. He is a Southern-born man. He has been prominently identified with the most rigorous measures for crushing Rebellion. He has taken in his new position a decisive stand against universal pardon for Traitors. He is determined, bold and uncompromising. So long as he lives, the assassination plot is a failure; the hand of the murderer aimed a blow which has wounded his own comrogues.

It may be argued that because the war is ended, and the leading conspirators are manifesting their submission, such deeds have no longer an object to incite them. This is not true. The men who plotted the murder of the President are not conquered. The close of war leaves them outlaws. Banished from home, proscribed as felons, branded with the stain of atrocious guilt, they have nothing to hope for in future, and everything to instigate them to fiendish acts. Already they have passed the limits of forgiveness; and added crime, while it could not increase the severity of their doom, might serve as a means for glutting that desire for revenge which is the base passion of ignoble and perverted minds.

This threat will not change the action of President JOHNSON. He is far too heroic and self-sacrificing to permit any considerations which merely affect his own person or his life, to influence his conduct upon matters of principle. Just as he went steadily forward in the cause of a loyal citizen and officer in Tennessee when his murderer was threatened and the assassin continually followed upon his steps, when members of his family were brutally murdered and his household desolated,—just so will he now continue, firmly and unswervingly, to pursue that line of policy which his judgment suggests as best calculated to promote the interests of the country, whose appointed ruler he is. His pertinacient remark upon his inauguration as President, furnishes a key-note to his temper: "The duties are mine; the consequences are with God." His enemies, and those of the national cause, are very much mistaken if they presume that the interests of the Traitors now in custody, or

under ban of Presidential proclamation, are to be promoted by such resorts as an assassination letter.

But while this is true, it becomes a duty to guard against the possibility of such a plot. The life of the President is too precious to be even put in danger. It is essential to the well-being and peace of the country, to the welfare of the masses in the Southern States, and to the safety of the political and military leaders of Rebellion, for whom pardon is still possible, that he shall not die. We have entered upon an epoch which is novel in American history—an epoch of midnight plot and assassination—and though the precautions common to the experience of all foreign Rulers, are necessarily repulsive to us, with our democratic tastes and habits, they may be for a time essential to the safety of the Republic.

TROUBLE WITH ENGLAND.—The London Owl undertakes to show that there is a probability of trouble between England and the United States. According to its story, Minister ADAMS, on behalf of his Government, has demanded indemnity for the depredations of the Alabama. This demand, through Earl RUSSELL, has been refused. Thereupon Mr. ADAMS hints compulsion. So hoots this bird of night. The Owl is confessedly a Rebel organ. Its statement is therefore prompted by malice, and very unlikely to be true. That our Government has a good claim upon England for injuries inflicted by the Rebel privateers fitted out in her ports, is a fact. This claim will be presented at an early day, if it has not been already. Possibly, England will protest against the demand. But the whole matter will undoubtedly be finally disposed of by arbitration, and there is no reason whatever to believe that our Minister has hinted or will hint, until negotiations have proceeded much further, at compulsion.

THE GAME STILL PLAYED.—Though the Rebels are whipped, there are some who have lost character, liberty, and reputation by their crimes, who still continue their atrocious schemes, instigated by the most detestable motives of malice. There is evidence that, within a few days, a plot has been developed in Canada for impregnating the waters of the Croton reservoir, above New York, with poison, and then destroying the dam. One day last week, President JOHNSON received a violently threatening letter, which was mailed in Washington, and bears the signature, "Grape-vine." It has been placed in the hands of the authorities. Time was when we could afford to laugh at such rumors; but not now. The dastardly conspirators have proved their capability and willingness to do dreadful deeds of murder. Their success in one terrible crime will prompt them to other desperate attempts. Therefore it becomes the duty of our authorities to use double vigilance in meeting and baffling them.

THE CONSPIRACY TRIAL.—The conspiracy trial still drags its slow length along, with much of repetition and very little of interest in the testimony. The counsel for PAYNE, whose case presents so many romantic features, are doing their best to establish a theory of insanity in his behalf; but thus far, with very little success. It has transpired that his real

name is POWELL, and that he has highly aristocratic relations at the South. It is scarcely possible that the trial will continue longer than during the present week. Its close will be a relief to the press and the public.

LOYALTY IN NORTH CAROLINA.—The growth of the loyal sentiment in North Carolina is steady and healthful. The people, convinced of the uselessness of further resistance, are making up their minds to submit to their fate gracefully. A large meeting was held in Salisbury on the 18th ult., and another at Lexington on the 20th, at which resolutions of the most unequivocally loyal character were adopted. Patriotic speeches were also made and delegates to a State Convention, to be held on the 18th inst., were elected.

A PERTINENT QUESTION.—Hon. Mr. HARVEY, tried and convicted of Treason, is a member of Congress. His sentence has been remitted by the President, and on the ground that evidence favorable to the case had been received since his trial. But does the remission remove the taint of guilt? Will he be permitted to take his seat as a member? Will his associates consent to sit with a man who has been convicted of the highest crime known to any law, and released because the evidence against him was insufficient or doubtful?

—Col. E. S. Sanford, President of the American Telegraph Company, sustained a fall on Saturday in Brooklyn, by which some of the small bones of his right leg were broken, and the knee severely injured.

Anti-Rent Side of the Recent Military Expedition.—The following gives the tenants' side of the question at issue:

BERNE, June 2, 1865.

MESSRS. EDITORS—Our quiet town was startled by the appearance in this village of two large omnibusses filled with about forty soldiers, armed and equipped, followed by a baggage-wagon with provisions, ammunition, &c. They passed nearly through until they arrived at the house of Peter Ball, the hero of the Helderburgh in times past, when they dismounted, formed in line, and marched to the rear of his dwelling, demanding the settlement of a claim or threatening ejectment. This the old gentleman believing to be wrong, as he had been advised by his counsel that no claim or judgment existed against him, he refused until he could have the opportunity to see his counsel. It now being nearly night and quite rainy, the soldiers concluded to take possession of the barn for the night, so the son of Mr. Ball gave them plenty of clean straw for bedding, milk for coffee, &c., which made them very comfortable for the night. The following morning, about 6 o'clock, they watered their teams, reloaded, and left for the south part of the town to visit venerable and worthy old gentleman, Rob't Hoy, demanding pretty much the same. He, having the same unwooing confidence in his legal adviser, declined all propositions, so after a long and patient waiting, the "*posse commitatus*" proceeded to break in the door and remove the furniture. Finding, however, Mr. Hoy incorrigible, and as they could get no others to take and keep possession of, they concluded if the old gentleman would acknowledge "he was ejected," all would be right. So he did, and they removed his furniture back.

The next morning they bundled up, mounted their omnibusses, and left for Albany, where I supposed they have arrived in safety, at least, so far as the Injins are concerned.

Now, Mr. Editor, I think I have given you a correct statement of affairs, and I should call it rather baby's play. If the Sheriff had a legal claim, what earthly benefit has he gained? Mr. BALL and Mr. HOY are men not surpassed as good citizens, neighbors and Christian gentlemen—firm and unyielding, religiously believing themselves to be in the right, for their counsellors advise them so. Who is to blame?

These deeds, with exactions of annual payments, have and are producing much difficulty and suffering among the people of this State. They are leading men into litigation, and of necessity loss of time and money, impoverishing and demoralising its inhabitants, either from the imperfect decisions of our Courts, or the wrong advise of counsellors. Would it not be better for our Legislature to provide some law taxing the owners of these claims so as to make them onerous, or for our Courts to decide that such conveyances were void, as against good morals and public policy? What, you say, annul a contract! Has not rebellion been justified. Even an oath, it has been conceded, would not be binding under certain circumstances. Is Slavery right? Wrong cannot be right. "As a man thinketh, so is he." Who is to be the judge, the oppressed or the oppressor? Let the people judge.

JAS. GRAHAM.

P. S. Will the Supervisors pay the bill?

War Items.

—Orders have been issued at New Orleans permitting corn to be sold without interference.

—The surrender of Gen. Hood and staff was made to Gen. Davidson on the 31st of May.

—Gen. Sheridan yesterday assumed command of the military department of the Southwest.

—General Meade has issued an order for the review of the Sixth Corps, General Wright commanding, in Washington.

—The One Hundred and Eighty-fifth regiment reached Syracuse on Saturday afternoon, and the citizens gave it a grand reception.

—General Weitzel will sail from Fortress Monroe to-day or to-morrow, with the troops designed to comprise the Texan garrison. There are sixteen vessels in his fleet.

—General Sharp, of Ulster, who, with General Patrick, has been the working officer in the Provost Marshal's department of General Grant's army, is coming home to be mustered out with his regiments—the 120th.

—Gen. Halleck has issued an order at Richmond, apprising all the negroes in his department, who are living in marital intercourse without the solemnization of the marriage ceremony, of the duty of being wedded, and asking the ministers to perform the ceremony for them without compensation.

—The amount of specie belonging to the State of Tennessee captured at Augusta, was \$600,000. It filled fifty-six boxes and two small casks. The boxes were all sealed with the Mexican cap and the word "Libertad," which would indicate that it may have been used for blockade-running purposes. Indeed one box contained \$1700 in Mexican gold dollars. It is said to have been an interesting

spectacle to see Gov. Brownlow holding a gold-headed cane, and his Secretary with a red silk handkerchief, riding upon the boxes in a Government transport wagon through the streets of Nashville.

Political.

—The President is preparing a proclamation restoring the writ of habeas corpus in all the Northern States.

—The Union city ticket in Norwich, Conn., was elected yesterday—the Democrats wisely abstaining from needless opposition.

—Missouri is to vote on the 11th upon the adoption or rejection of the new Constitution. The radicals evidently have things very much their own way.

—Vallandigham says that the Democratic party lived only eight days after the Chicago nominations, and then died of circumcision. This is a very ill-tempered reference to McClellan's letter of acceptance.

—The Washington correspondent of the Herald says that no new Cabinet combinations are reported, and the most industrious sensation-mongers admit that there is not likely to be any present change in the *personnel* of the Government.—

—Ex-Governor Magoffin, of Kentucky, has come out decidedly in favor of the adoption of the Constitutional Amendment by that State. It is said that he is so fully impressed with the importance of immediate action on this great question, that he intends to take the stump in behalf of the amendment.

—George Bancroft, in the Atlantic Monthly, shows that in 1787, the vote of New Jersey only was wanting to sustain the proposition of Jefferson, by which Slavery would have been excluded, not only from territory in possession of the United States, but from all they might subsequently gain. The present politicians of that State who oppose the Constitutional amendment, are therefore only true to her history.

Business.

—The following are the footings of the New York Bank statement for last week:—

Loans.....	\$219,416,543	Decrease.	\$2,028,578
Specie	21,346,493	Decrease.	717,436
Circulation	5,324,092	Increase .	250,389
Deposits ..	186,935,680	Decrease.	10,143,387
Legal Tender Notes	51,065,540	Decrease.	3,758,628

—The subscriptions to the National Loan yesterday amounted to \$1,013,250.

Traitors.

—Jeff. Davis has not been nearer Washington than Fortress Monroe, and probably will not be for a week or two.

—General Gideon J. Pillow, accompanied by a retinue of servants, passed through Athens, Ala., last week, on his way to his Tennessee home. He has found the right side of the ditch.

Albany Evening Journal

June 6, 1865

How the Suppressed Testimony Got Published.

NEW YORK, June 6.

The Times' Washington special says:—

The Military Commission held a secret session yesterday, and one of the reasons assigned for the session, was the publication on Friday last in the Cincinnati Commercial, and copied by other papers, of a synopsis of the evidence taken in secret session on the first few days of the trial. Some ten days ago it was determined that this testimony should be published, if possible, on Friday, June 2d, inasmuch as there would be no session of the Commission on that day, and no report be in the way of publication of the entire suppressed testimony in a single issue of the principal dailies in the country. For good reasons, on Tuesday last, this order as to the publication was postponed until further developments should take place in the trial.

This morning, to the surprise of Judge Holt and all others having control of the case, the newspapers contained an imperfect synopsis of the suppressed testimony. Upon enquiry it turned out that Ben Pitman had furnished a copy to the Cincinnati papers.

This Ben Pitman styles himself the Recorder of the Military Commission now trying the assassins. His real position is confidential clerk to Colonel Burnett, the Assistant Judge Advocate, and he has charge of the sheets on which the evidence is transcribed under the superintendence of Mr. Sutton and a corps of assistants.

Without authority, Mr. Pitman made a very imperfect synopsis and sent it to the Commercial. It is said Pitman violated the oath he took when entering on his present duty.

The Judge Advocate, on hearing what had been done, ordered the publication of the "suppressed testimony" in full.

What treatment Pitman will receive for his breach of confidence is left to speculation.

THE CONSPIRACY TRIAL.

Washington, 9th. Miss Mary Mudd, sister of Dr. Mudd, in the assassination trial, was called, and contradicted much of the testimony heretofore given against several witnesses for the defence, and testified against the character for truthfulness of some of those who had been examined for the Government.

URDAY, JUNE 10, 1865.

THE CONSPIRACY TRIAL.

Washington, 9th. The testimony this afternoon was mainly with regard to the character of witnesses on both sides.

B. Gardner, for the accused, testified that on the Sunday after the assassination he met Dr. Mudd at church, and asked him if the assassination was a fact; Mudd replied that it was so, and said the people ought to raise a home guard and arrest all suspicious persons in the country.

THE CONSPIRACY TRIAL.

Washington, 10th. In the conspiracy trial to
day the counsel for Mudd, Spangler and Arnold
announced that they had closed for the defence.
The counsel for Payne asked for time to allow
Payne's father to arrive from Florida to prove
his antecedents, relative to fortifying, the plea of
insanity.

Henry G. Edson testified that Mr. White was
employed as counsel in Canada for the govern-
ment in the St. Albans case; that Geo. N. Sanders,
who was then acting for the defence, said he
(Sanders) was ignorant of the raid, but fully ap-
proved it and said it would be followed up by
burning more towns and the depletion of more
troops, and that organizations were ready to sac-
rifice and burn Buffalo and other places.

Lieut. John L. Ripple of the 89th Illinois reg-
iment testified that, while he was in Andersonville
Ga., he heard the rebel Quartermaster Hahn say
that if Abe Lincoln was re-elected he would
have to be inaugurated; that they had a party
in the North who would attend to the President
Ir. Seward.

No further witnesses being present, it
was announced that the Court would wait until 1
in Monday, to hear the report of Dr. Nic
on the alleged insanity of Payne.

The Court then adjourned.

A verbal error in the printed testimony of Hon.
Charles A. Dana before the Military Commission,
now engaged in the trial of the alleged conspira-
tors, makes it appear that he has ceased to be
Assistant Secretary of War. This is erroneous,
as he does not expect to resign that office until
the 1st of July.

Alta California Journal
June 20, 1865

FROM YESTERDAY'S SECOND EDITION.

The Assassination Trial.

WASHINGTON, June 10.—Mr. Clampitt read the argument addressed to the President and honorable gentlemen of the Commission, signed by Reverdy Johnson and concurred in by Mr. Frederick A. Aiken and Mr. John M. Clampitt, as associate counsel for Mrs. Mary E. Surratt.

It commences by asking if the Commission has jurisdiction of the case before it and calling attention to the great importance of the question, refers to the duty of the Commission to consider it, and declares that the Commission is unauthorized.

The act establishing it is an usurpation on the part of the Executive. It then proceeds to say the Constitution defines the powers and duties of the Executive, and provides punishment for his violation of them; therefore he possesses no powers beyond what the Constitution confers, and this act, beyond authority, can furnish no defense against the legal consequences of what are done under it, and whatever is done is utterly void.

The Commission, therefore, must decide this question before pronouncing judgment. That a tribunal like this has no jurisdiction over them other than military officers, is believed to be evident.

That offences defined and punished by the civil law, and whose trial is provided for by the same laws, are not the subjects of military jurisdiction, is, of course, true. A military, as contra-distinguished from a civil offence, must, therefore, be made to appear; and when it is, it must also appear that the military provides for its trial and punishment by a military tribunal.

If that law does not furnish a mode of trial or affix a punishment, the case is unprovided for, and as far as the military power is concerned, is to go unpunished. But as either the civil or military power embraces every species of offence that the United States, or the States, have deemed it necessary to punish, the civil courts are in all such cases clothed with every necessary jurisdiction.

In a military Court, if a charge does not state a crime proved for generally or specifically by any of the articles of war, the prisoner must be discharged.

Nor is it sufficient that the charge is of a crime known to the military law. The offender, when he admits it, must be subject to military jurisdiction.

The general law has supreme and undisputed jurisdiction over all military law; but puts forth no such pretensions; it aims solely to enforce on the soldier the additional duties he has assumed; it constitutes tribunals for trial of breaches of military duty only.

[O'Brien, pp. 26, 27.]

The one code, the civil, embraces all citizens, whether soldiers or not—the other, the military, has no jurisdiction over any citizen as such.

If the provisions of the Constitution clearly maintain the same doctrine, the Executive has no authority to declare war, to raise and support armies, to provide and maintain a navy, or to make rules for the government and regulation of either force.

These powers are exclusively in Congress. The army cannot be raised and have law for its government and regulation, except as Congress shall provide. The power of Congress is granted by the Constitution without objection.

In England, the King as the Generalissimo of the whole Kingdom, has this sole power, though Parliament has frequently interposed and regulated for itself, but with us it was thought safest to give the entire power to Congress, since otherwise summary and severe punishment might be inflicted.

No member of the convention or an commentator on the Constitution since, has intimated that even this congressional power could be applied to a citizen not belonging to the army or navy.

The power given to Congress is to make rules for the government and regulation of the land and naval forces. No artifice of ingenuity can make these words include those who do not belong to the army and navy, and they are therefore to be construed to exclude all others as if negative words to that effect had been added.

THE ARGUMENT OF ASSOCIATE JUDGE-ADVOCATE BINGHAM before the military commission, demolished the propositions of Roverdy Johnson, the counsel for Mrs. Surratt. We have run for only the following extracts from Mr. Bingham's masterly plea:

The members of this court are officers in the Army of the United States, and by order of the President, as Commander-in-Chief, are required to discharge this duty, and are authorized in this capacity to discharge no other duty, to exercise no other judicial power. Of course, if the commission of the President constitutes this a court for the trial of this case only, as such court it is competent to decide all questions of law and fact arising in the trial of the case. But this court has no power, as a court, to declare the authority by which it was constituted null and void, and the act of the President a mere nullity, a usurpation. Has it been shown by the learned gentleman, who demands that this court shall so decide, that officers of the army may lawfully and constitutionally question in this manner the orders of their Commander-in-Chief, disobey, set them aside, and declare them a nullity and a usurpation?

Even if it be conceded that the officers thus detailed by order of the Commander-in-Chief may question and utterly disregard his order and set aside his authority, it is possible, in the nature of things, that any body of men, constituted and qualified as a tribunal of justice, can sit in judgment upon the proposition that they are not a court for any purpose, and finally decide judicially, as a court, that the government which appointed them was without authority? Why not crown the absurdity of this proposition by asking the several members of this court to determine that they are men—living, intelligent, responsible men? This would be no more irrational than the question upon which they asked to pass. How can any sensible man entertain it? Before he begins to reason upon the proposition he must take for granted, and therefore decide in advance, the very question in dispute, to wit his actual existence.

So with the question presented in this remarkable argument for the defence; before this court can enter upon the inquiry of the want of authority in the President to constitute them a court, they must take for granted and decide the very point in issue, that the President had the authority, and that they are in law and in fact a judicial tribunal; and having assumed this, they are gravely asked, as such judicial tribunal, to finally and solemnly decide and declare that they are not in fact or in law a judicial tribunal, but a mere nullity and nonentity. A most tame and impotent conclusion!

As the learned counsel seems to have great reverence for judicial authority, and requires precedent for every opinion, I may be pardoned for saying that the objection which I urge, against the possibility of any judicial tribunal, after being officially qualified as such, entertaining, much less judicially deciding, the proposition that it has no legal existence as a court, and that the appointment was a usurpation and without authority of law, has been solemnly ruled by the Supreme Court of the United States.

The court say: "The acceptance of the judicial office is a recognition of the authority from which it is derived. If a court should enter upon the inquiry (whether the authority of the government which established it existed,) and should come to the conclusion that the government under which it acted had been set aside, it would cease to be a court and be incapable of pronouncing a judicial decision upon the question it undertook to try. If it decides at all, as a court, it necessarily affirms the existence and authority of the government under which it is exercising judicial power." (*Luther vs. Borden*, 7 Howard, 40.)

That is the very question raised by the learned gentleman in his argument—that there was no authority in the President, by whose act alone this tribunal was constituted, to vest it with judicial power to try this issue; and by the order upon your record, as has already been shown, if you have no power to try this issue for want of authority in the Commander-in-Chief to constitute you a court, you are no court, and have no power to try any issue, because his order limits you to this issue, and this alone.

It requires no very profound legal attainments to apply the ruling of the highest judicial tribunal of this country, just cited, to the point raised, not by the pleadings, but by the argument. This court exists as a judicial tribunal by authority only of the President of the United States; the acceptance of the office is an acknowledgment of the validity of the authority conferring it, and if the President had no authority to order, direct and constitute this court to try the accused, as is claimed, did, in so constituting it, per-

form an unconstitutional and illegal act, it necessarily results that the order of the President is void and of no effect; that the order did not and could not constitute this a tribunal of justice, and therefore its members are incapable of pronouncing a judicial decision upon the question presented.

There is a marked distinction between the question here presented and that raised by a plea to the jurisdiction of a tribunal whose existence as a court is neither questioned nor denied. Here it is argued, through many pages, by a learned Senator and a distinguished lawyer, that the order of the President, by whose authority alone this court is constituted a tribunal of military justice, is unlawful; if unlawful it is void and of no effect, and has created no court; therefore this body, not being a court, can have no more power as a court to decide any question whatever than have its individual members power to decide that they as men do not in fact exist.

It is a maxim of the common law—the perfection of human reason—that what is impossible the law requires of no man.

How can it be possible that a judicial tribunal can decide the question that it does not exist, any more than that a rational man can decide that he does not exist?

The absurdity of the proposition so elaborately urged upon the consideration of this court cannot be saved from the ridicule and contempt of sensible men by the pretence that the court is not asked judicially to decide that it is not a court but only that it has no jurisdiction; for it is a fact not to be denied that the whole argument for the defence on this point is that the President had not lawful authority to issue the order by which alone this court is constituted, and that the order for its creation is null and void.

THE ASSASSINATION TRIAL.

Argument of the Judge Advocate.

6/28/65

Washington, June 27. The argument of Mr. Bingham, Special Judge Advocate, in reply to the several arguments for Mary E. Surratt and the other prisoners, contains the following points:

The rebellion, in aid of which the conspiracy was formed, and this great public crime committed, was prosecuted for the vindication of no right, for the redress of no wrong, but was itself simply a criminal conspiracy and gigantic assassination.

As the Court had already overruled the plea to its jurisdiction, he would pass it over in silence, but for the fact that it had been gravely argued by the counsel for the accused. Denying the authority of the President to constitute the Commission, is an averment that this tribunal is not a court of justice, has no legal existence, and no power to hear and determine the issue joined. In making this averment counsel should show how the President could otherwise discharge the duty enjoined upon him by his oath to protect, preserve and defend the Constitution, and take care that the laws be faithfully executed.

As to the assertion that the civil courts are open in this district, he answered that they are closed throughout half of the Republic, and were open in this district only by the force of the bayonet. Withdraw the military forces, and would the rebel bands infesting the vicinity allow their confederates here to be tried in this or any other court? The conspirator who assassinated the President was not arrested by civil process, but was pursued by the military power, captured and slain. Was this an act of usurpation? Who in all this land is bold enough or base enough to assert it? If the President is justified in this act, what law condemns him for arresting in like manner, and subjecting to trial according to military laws, all other parties to this conspiracy.

The Judge-Advocate then argued that the court having been constituted by the President, it was not in their power as inferiors to disobey and declare the act a nullity and usurpation. Besides the Supreme Court had decided that the acceptance of a Judicial office is a recognition of the authority from which it is derived. The proposition was absurd. Gentlemen might as well ask the Supreme Court to decide that the President had no authority to nominate and the Senate had no authority to confirm the Judges composing that Court.

The Judge-Advocate proceeded at length in reply to the arguments of counsel, citing precedents sustaining the action of the Government. He showed that all the proclamations of the President issued during the rebellion for the suppression of the same, and among them the one providing for the trial of all rebels and insurgents, their aiders and abettors by Court-Martial, or Military Commission were received by Congress; also, that the Supreme Court had decided that so much of these proclamations as provided for these Courts-Martial, or Military Commissions, needed no ratification.

The Judge-Advocate did not review the testimony.

After Associate-Judge-Advocate Bingham had delivered his argument the Court adjourned until one o'clock tomorrow.

HARPER'S WEEKLY.

THE CONSPIRATORS AND THE CONSPIRACY.

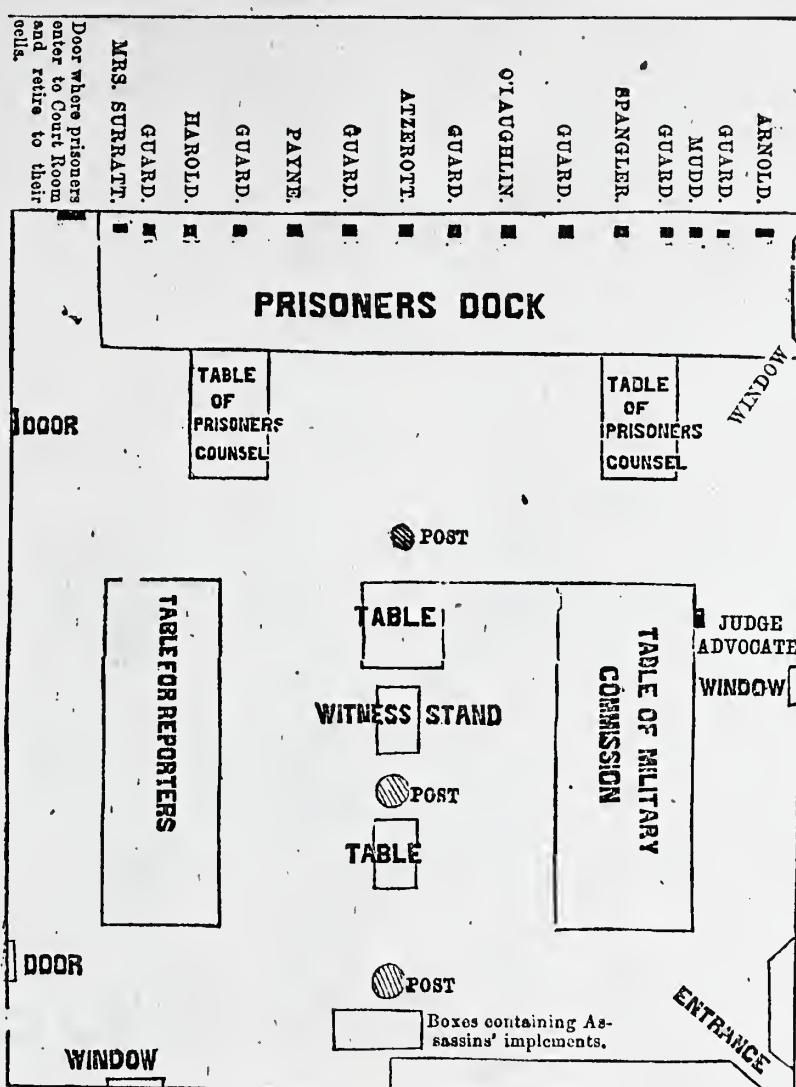
We omitted in our last number any account of the Conspiracy trial going on at Washington, because we did not deem the proceedings of sufficient importance. We recur to the subject this week, and give portraits—drawn from photographs taken by GARDNER, of Washington—of six of the conspirators, viz.: of PAYNE, ATZEROTT, HAROLD, SPANGLER, O'LAUGHLIN, and ARNOLD. We also give on page 408 portraits of the members composing the military court engaged in the trial.

There has been further evidence offered to prove the connection of the rebel authorities with the burning of steamboats on the Western rivers. But as these efforts were directed against Government vessels, the evidence in its relation to the assassination of President LINCOLN does not have any especial importance. The same may be said of the evidence proving that the City Point explosion was due to rebel agency.

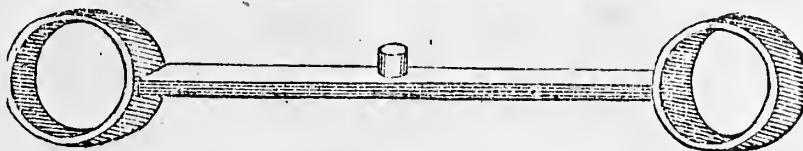
On Friday, June 17, a curious bit of evidence was offered, going to prove that the *Daily News*, the rebel organ in New York city, has been supported during the war in a great measure by the Richmond authorities. This was no surprise when it was considered that recently, upon the close of the war, JOHN MITCHELL, the editor of the Richmond *Enquirer*, had been invited to take the editorial charge of the *News* and had accepted. The evidence is perfectly reliable, coming from the assistant manager of the Montreal bank, and proves that a check for \$25,000 was last August drawn from rebel deposits and in favor of BENJAMIN WOOD, the proprietor of the *News*.

In connection with the events relating to the assassination, the portrait which we give on page 412 of Mr. FREDERICK SEWARD will be of unusual interest to our readers.

Interior View of the Court Room Occupied by the Military Commission.



THE PRISONERS' MANACLES.



The above is a correct drawing of the manacles used in confining the arms of the prisoners. The wrists are attached to an iron bar, about twelve inches in length, which prevents the wearer from joining his hands, as in the old-fashioned shackle, where the clasps are connected by chain links, thus effectually preventing the culprit from unfastening or breaking them.

See F 968

The trial of the assassins and conspirators was resumed yesterday. Voluminous evidence of the brutal treatment to which our soldiers were subjected in rebel prisons was adduced. The examination of witnesses for the defense was commenced yesterday. It consisted chiefly of testimony as to the character of Mrs. Surratt, and an endeavor to establish an *alibi* in O'Laughlin's case.

The trial of the conspirators will commence in Washington next week—on Monday, if possible. Extraordinary arrangements have been made by the government to report the proceedings. The trials will take place in the arsenal on Fourth-and-a-half street, where the prisoners are now in custody guarded by a regiment of soldiers. 5/6/65

[Handwritten signature]

THE CONSPIRACY TRIAL. J. E. Tilton & Co. have issued Part I. of their attractive edition of "The Conspiracy Trial for the Murder of the President, and the attempt to overthrow the Government by the Assassination of its Officers; Edited, with an introduction, by Ben: Perley Poore." It is printed in large clear type on white paper, and presents the testimony with questions and answers in full. It is beyond all question the best form in which the details of this noted trial have been given to the public. The enterprise of the publishers is worthy of the most liberal patronage.

THE CONSPIRATORS LANDED AT THE DRY TORTUGAS.

New York, 2d. The steamer that took the conspirators to the Dry Tortugas has returned. The prisoners were landed on the 25th ult. When informed of their destination they were quite depressed; but on finding a good sea-breeze there and the place pleasanter than anticipated, they were more resigned. Mudd was assigned to duty as assistant surgeon, Arnold a clerkship, Spangler as carpenter, and O'Laughlin was given employment at what he was fitted for. There are about 500 prisoners there.

THE ASSASSINS' TRIAL.

Washington, 25th. This morning, at the conspiracy trial, a witness was called, who testified that on the 17th of April he searched the baggage of Arnold a short distance from Fortress Monroe and found papers, clothing and a navy revolver.

The Court here produced the pistol, which the witness identified. It was loaded then as at this time. The Court ordered the pistol to be discharged.

Two other witnesses testified as to the shocking bad treatment of sick prisoners, both in the hospital and the Libby Prison. They were told by Major Farrell, the keeper of Libby Prison, that the treatment was good enough for Yankees.

Out of 40 sick men brought in, 12 died the first night. The weakness and emaciation of the prisoners was owing to the bad character and insufficiency of food. They were told that the bad treatment was in way of retaliation, on the ground that the rebel prisoners had been treated worse than the Union prisoners.

Another witness testified that the Libby Prison was mined and Major Turner informed him he had seen Gen. Winder on the subject. The fuse was ready for the mine at the time of Kilpatrick's raid.

Another witness, named McGee, was called, when the Judge-Advocate-General asked him whether Arnold was ever in the rebel service.

Mr. Ewing objected to the question. The Judge-Advocate-General briefly argued that interrogatory was pertinent as history had proved. The assassination was manifestly a political offence and was the sequence of disloyalty, when the Court decided that the question should be answered.

The witness then replied that he saw Arnold in a rebel uniform in Richmond in the beginning of the war.

Three colored persons testified as to their acquaintance with Dr. Mudd, and said his conduct showed him to be a rebel sympathizer, and stated that he had assisted the rebel soldiers.

A young man from Georgetown testified that on the morning after the assassination he loaned Atzert \$10, the latter leaving with him a revolver as security.

The pistol was produced which witness identified. It had been loaded ever since.

SURRATT. It is supposed that Surratt, implicated in the assassination conspiracy, sailed for England by the Peruvian, which left Quebec on the 13th instant. As the City of London and the Saxonia sailed from New York on the same day, it is just possible that they might arrive in time to have a despatch forwarded to Liverpool in advance of the arrival of the Peruvian.

5/20/65

THE CONSPIRATORS' TRIAL. *Washington*, 12th. The reporters have again been unsuccessful in their application for admission to the Military Court engaged in the trial of the assassin conspirators. It is believed, however, that some arrangement will be officially made for the publication of such of the proceedings and testimony as will not result in injury to the ends of justice.

F. A. Aiken and John W. Clampite of Washington appear as counsel for Mrs. Surratt and McLaughlin. It is probable that Reverdy Johnson will act as advisory counsel for Mrs. Surratt. Frederick Stone and Thomas Ewing, Jr., appear as counsel for Mudd and Herold. It is not known whether the other prisoners have procured counsel.

The prisoners are all humanely treated and provided with necessary comforts, but are subject to close custody.

THE CONSPIRACY TRIAL. *Washington*, 16th. Several witnesses were examined today, among them D. S. Eastward, who is employed in the Bank of Montreal, who testified as to Jacob Thompson keeping his accounts in that bank. Witness said Thompson originally made a requisition on that bank for \$20,000 in currency in favor of Benjamin Wood, but this was afterward changed by direction of Thompson in favor of D. S. Eastward. The draft for this amount was dated August 10, 1864, and was drawn on the City Bank of New York. The back of the draft is thus indorsed: "Pay to Hon. Benj. Wood or order. D. S. Eastward. B. Wood."

George Wilkes and A. D. Russell testified as to the signature of B. Wood, and that he was a member of Congress at the time, and is also proprietor of the New York Daily News.

With the exception of the above, the testimony given today was not of any general interest. The Court adjourned until Monday morning.

JOHN H. SURRETT ARRESTED AND IDENTIFIED.

Baltimore, 2d. The person arrested in Texas and supposed to be John H. Surratt, passed the Relay House this A. M., en route to Washington, heavily ironed and under guard.

He was recognized at the station by a familiar acquaintance and old friend, who was allowed to speak to the prisoner, and who says positively that the man in irons was John H. Surratt. The deposition of this person was at once taken and forwarded to Washington.

THE ASSASSINATION TRIAL.

Washington, 3d. Ex-Governor Farnwell testified in the assassination case that he believed at 10:30 P. M., the night of the assassination he hastened from the Theatre to the room of Vice-President Johnson, in order to warn him of apprehended danger. He had no knowledge of seeing Atzerott in the hotel at the time.

One of the guard was called for the defense and testified that Payne said to him, "He wished they would hang him, as he was tired of life."

Another guard testified that as Maj. Seward was examined as a witness and he (the guard) was putting the irons back on Payne, the latter said, "They are tracking me pretty closely, and I want to die."

The counsel for Payne called another witness to show Payne was constipated for a long time. This was for the purpose of establishing a symptom for insanity.

THE CONSPIRACY TRIAL.

Washington, 10th. Several witnesses were examined today in the assassination case, one of them being for the government, who testified as to George N. Sanders being an agent of the rebel government for the destruction of the Northern cities.

There being no more witnesses, the court adjourned.

SUPPOSED ARREST OF JOHN SURRETT. *Harrisburg, Pa., 1st.* A man supposed to be John H. Surratt, one of the conspirators implicated in the assassination of President Lincoln, arrived here in manacles and under guard in the morning train from Pittsburgh, and left for Washington today. He was arrested somewhere in Texas.

THE CONSPIRACY TRIAL.

Washington, 2d. Several witnesses were called in the assassination case to show that Spangler was at his boarding-house in Washington a day or two after the assassination.

Thomas Reynolds, employed at Ford's Theatre, testified that about two weeks before the assassination Booth occupied the box adjoining that in which the President was subsequently shot. On the 7th of March, witness not being able to find the key, broke open box No. 7 in order to admit a gentleman with his company.

Two witnesses employed at the theatre had exhibited to them the rope found in Spangler's carpetbag. They said it resembled a similar rope used in the theatre, but could not say positively it was the same.

FATE OF LINCOLN'S ASSASSINS.

ROCHESTER, N. Y.—I have been a regular reader of the HOME for a good many years, and have never yet seen in it or any other paper what I believe would be one of the most interesting of articles. I refer to one on the fate of Lincoln's murderers. Can the facts be given in "Notes and Queries," soon?—W. C. R.

Answer.—When Booth fired the fatal shot he sprung from the box to the stage below, breaking his leg in the act. During the excitement he escaped by a back window to the street where an accomplice was in waiting with a pair of horses; mounting in hot haste the two villains escaped over the long bridge into Virginia. Thirty miles were covered before Booth's wounds were dressed, this service being performed by a Dr. Mudd, who also gave Booth a crutch. For the next ten days the assassins were hiding in the swamps and thickets. At last, worn out by hunger and fatigue they took refuge in the barn of Mr. Jarrett, near Bowling Green, twenty miles from Fredericksburg, Va. Pursuing parties were scouring the country in all directions; the particular party happening to be on the right lead numbered twenty-eight, and were under the command of Col. Conger. The pursuers reached the hiding place of the pursued just about dark, and ordered Booth and Harold to surrender. Harold surrendered at once, but Booth, like the tiger in his lair, would not be taken alive and so informed his would-be captors. As a last resort it was decided to smoke him out and some straw in the barn was fired, but he would not yield to any such means, but stood his ground, showing dare-devil recklessness and a nerve worthy a better cause. As they closed in around the beleaguered assassin and his burning fortress, his situation became desperate, and whipping out a revolver he was in the act of firing on one of the besiegers, when Col. Conger, who was keeping a lookout, commanded one of his men, Boston Corbett to shoot, which he did, the ball entering Booth's head, producing a wound from which the assassin died in about two hours. Harold was taken to Washington, where he and seven others were found to be implicated in the conspiracy. The others were: Geo. A. Atzerott, Lewis Payne, Mary E. Surratt, Michael O'Loughlin, Edward Spangler, Samuel Arnold and Dr. Mudd, the surgeon who mended Booth's broken leg the next day after the assassination. The trial began May 13th, 1865, less than a month after the crime was committed and continued until June 29. Dozens of witnesses were examined, the testimony being very voluminous. Harold, Atzerott, Payne and Mrs. Surratt were sentenced to be hanged. O'Loughlin, Mudd and Arnold to imprisonment for life and Spangler to do six years hard labor. Gen. Hancock was then military commander of the department of Washington. He and the president approved the sentence July 5. A writ of habeas corpus was allowed but it was suspended by the president, and on July 7th, the four that were condemned to suffer death, died on the gallows. The life prisoners were sent to Fort Jefferson on the Dry Tortugas or Garden Keys. O'Loughlin died there and the other two life prisoners, along with Spangler, the six year man, were pardoned before the end of Johnson's administration. Mudd was pardoned as pay for gallantry during a yellow fever epidemic, and Arnold because he was thought to only be about half guilty of the charges proven. Dr. Mudd lived until January 12, 1883. What became of Spangler and Arnold I am unable to say.

1. "Judge Holt and the Lincoln Conspirators"
2. "Boston Corbett"
3. "An associate of the Blairs."

The Century Magazine
April 1890
OPEN LETTERS.

955

cipline into effect by constant negotiations with the representatives of a majority vote, the conditions could hardly have been worse than on some of our railways.¹

It is not only in the various modes of transportation that indications of such a period of transition are visible. The steady decrease in freight rates, giving capable employers a wider market and bringing local employers into contact with more and abler competitors than they had known before, has made the "pace" in manufacturing so fast that it can be endured in the long run only by those who are able to manage very large establishments, supply very wide markets, and make profits from many sales at low prices, rather than from a few sales at high prices. All these conditions have brought temptations and opportunities for discord parallel with those offered in transportation, and they have had much the same results. These results have had their good side. The patriarchal features of employment have gone; and, picturesque as they were, it is more than probable that the industrial world will be the better for their absence. The workman will no longer be either child or ward, to be cared for and coerced for his own good, but a man with all a man's rights and responsibilities. But the change will for a long time bring its own embarrassments.

It must be, however, that as managers and men become more accustomed to the wider fields, new conditions will bring their own traditions. Some railroads have never lost or even suspended them, for they have progressively accommodated their system to the changing conditions around it. They have still trained their own men and trusted them; and strikes and lockouts have been alike unknown. But their generosity in anticipating and providing for the material needs of their men now comes not as a charity, but as a recognition of the men's share in making the company's prosperity. Other forms of industry have brought employer and employee closer together by the various types of profit-sharing.

Is there not fair reason to hope that these are the coming forms of employment? That loyalty in employment is not dead, but is rising to higher and better forms? That it is no longer to be the mere loyalty of the employee to the employer who provides for and protects him, but the mutual loyalty of employer and employee—their common adherence to the high standards set by the traditions of the service? And that the troubles of the past few years have been but one phase of industrial progress, a step towards a better and fairer conjunction of labor and capital?

OPEN LETTERS.

Judge Holt and the Lincoln Conspirators.

IN the "New York Tribune" of September 2, 1873, there appeared an anonymous communication, written from Washington under the signature of "Truth," so grossly calumnious of General Joseph Holt, Judge Advocate General in the trial of the assassins of President Lincoln, that he demanded the name of the author, who proved to be John T. Ford, of Ford's Theater, where the fearful tragedy was enacted, and who, at the time, was committed to the Carroll Prison, where he was kept—on suspicion, it is presumed—over a month, when he was liberated without being brought to trial. Naturally enough, perhaps, he harbored a strong prejudice against General Holt, and sought to defame his character under cover through the press. Among other things he accused General Holt with having kept Mrs. Surratt "heavily manacled during her trial, and also of virtually depriving her of reputable counsel"—referring to the Hon. Reverdy Johnson, who, as clearly appears by his argument, which was upon the question of jurisdiction, voluntarily withdrew, leaving the case in the hands of his associate counsel, Messrs. Clampitt and Aiken. General Holt met the other charge by a letter, addressed to him, under date of September 4, 1873, from General J. F. Hartranft, who, referring to Ford's article in the "Tribune," said:

I think it proper, in justice to you, to declare publicly that its statements, so far as they relate to occurrences within my own observation, are absolute falsehoods. As marshal of the court before whom the conspirators were tried, I had charge of Mrs. Surratt before, during, and after the time of her trial, in all a period of about two months, during which she never had a manacle or manacles on either hands or feet; and the thought of manacling her

¹ Professor Hadley attributes a recent increase in railway accidents to this employment of new men, citing in evidence the fact that "in the majority of detailed railroad reports we find some allusion to increased wages as an important element in expense." He attributes it, however, to "the special demand

was not, to my knowledge, ever entertained by any one in authority.

One would suppose that proof so conclusive ought to set forever at rest the "manacle" charge; and as regards the reference to Reverdy Johnson, it is plain beyond doubt that "had he desired to continue in the case, assuredly there was no power that could have prevented him from doing so."

Yet, notwithstanding this and the overwhelming testimony on the other more serious and wanton charge against General Holt of withholding from President Johnson the recommendation of five members of the court that the sentence of Mrs. Surratt be commuted to imprisonment in the penitentiary, John. T. Ford appears again in the "North American Review" for April, 1889, in an article reiterating the falsehoods of his anonymous communication, and trying to show that General Holt was guilty of withholding from President Johnson the aforesaid recommendation of Mrs. Surratt to mercy.

Now, in as brief a manner as possible, I will recite some of the stronger evidence, clearly proving the falsity of this last charge, made first before President Johnson's term expired, and afterwards by Johnson himself, when he was seeking "to curry favor with the South in the hope of being elected to the presidency." He did not dare to make the charge while he was at the head of the Government, because he knew if he did that General Holt would instantly *demand*, as he did ask for, in 1866, a court of inquiry, which the President declined to order, and that all the facts and circumstances of the case would come out. General Holt, I think, took little, if any, public notice of this slander until he found it had received the indorsement for railroad labor," due to "the larger proportionate amount of local traffic under the operation of the Inter-State Commerce Act," or, more commonly, to unhealthy competition and abnormally low freight rates. ("Quarterly Journal of Economics," January, 1889, pp. 174, 175.)

OPEN LETTERS.

of ex-President Johnson, when in a communication, published in the "Washington Daily Chronicle" of August 26, 1873, he produced the most incontrovertible proof that "President Johnson had knowledge of, considered, and commented on the recommendation of Mrs. Surratt to clemency by members of the court before her execution." It had been publicly asserted that President Johnson approved the findings of the court "without having seen the recommendation or known of its existence," although it was known, of course, to every member of the court, and it was also made known to Secretary Stanton, both by General Holt and by Judge Bingham, one of the special judge-advocates in the trial, immediately after the close of the trial. In his answer to General Holt (see "Washington Daily Chronicle" of November 12, 1873) Mr. Johnson undertakes to support his assertion that he never saw that recommendation by showing that it was omitted in Pittman's authorized publication of the proceedings of the trial. But this omission was fully explained. It arose simply from the fact, as stated by Col. H. L. Burnett, special judge-advocate, who supervised the publication, that "the recommendation to mercy constituted properly no part of the record of the trial," and was not therefore furnished by him to Pittman for his book. In a letter of December 22, 1873, to General Holt (see "Washington Daily Chronicle," December 1, 1873) Mr. Pittman also says, "The recommendation in favor of Mrs. Surratt was not inserted in my book for the reason that it formed no part of the proceedings of the trial; it was not mentioned at any open session."

Judge Bingham says:

Before the President had acted on the case I deemed it my duty to call the attention of Secretary Stanton to the petition for the commutation of sentence upon Mrs. Surratt, and did call his attention to it before the final action of the President. . . . After the execution I called upon Secretaries Stanton and Seward and asked if this petition had been presented to the President before the death sentence was by him approved, and was answered by each of those gentlemen that the petition was presented to the President and was duly considered by him and his advisers before the death sentence upon Mrs. Surratt was approved, and that the President and the Cabinet, upon such consideration, were a unit in denying the prayer of the petition; Mr. Seward and Mr. Stanton stating that they were present.

Attorney-General James Speed, in a letter to General Holt, March 30, 1873, says:

After the finding of the military commission that tried the assassins of Mr. Lincoln, and before their execution, I saw the record of the case in the President's office, and attached to it was a paper, signed by some of the members of the commission, recommending that the sentence against Mrs. Surratt be commuted to imprisonment for life; and, according to my memory, the recommendation was made because of her sex. I do not feel at liberty to speak of what was said in Cabinet meetings. In this I know I differ from other gentlemen, but feel constrained to follow my own sense of propriety.

James Harlan, Secretary of the Interior, states positively that "after the sentence and before the execution of Mrs. Surratt, I remember distinctly the discussion of the question of the commutation of the sentence of death pronounced on her by the court to imprisonment for life, had by members of the Cabinet, in the presence of President Johnson." He thinks there were only three or four members present, and when he entered the subject was under warm discussion. He

does not remember hearing read in Cabinet meeting any part of the record of the trial or the recommendation of clemency, but says he was "told that the whole case had been carefully examined by the Attorney-General and the Secretary of War," the two Cabinet officers more immediately concerned, officially, in the matter. At this period Mr. Harlan was the editor of the "Chronicle," and in reference to the recommendation to mercy he said, "Had such a paper been presented, it is, in our opinion, hardly probable that it would, under the circumstances, have induced him to interfere with the regular course of justice."

James M. Wright, at the time Chief Clerk of the Bureau of Military Justice, states that when President Johnson sent a messenger to General Holt requesting him to bring the papers before him for his action, the recommendation for mercy was among them, in plain sight, and that when the case came back through the Adjutant-General's office it remained attached to the other papers.

General R. D. Mussey, President Johnson's private secretary, says, "On the Wednesday evening previous to the execution (which was Friday, July 7, 1865) Mr. Johnson said to me that he was going to look over the findings of the court with Judge Holt, and should be busy and could see no one." Two or three hours afterwards, Mr. Johnson came out of the room where he had been in conference with General Holt and said to him (General Mussey) that "the papers had been looked over and a decision reached." General Mussey continues:

I am very confident, though not absolutely assured, that it was at this interview Mr. Johnson told me that the court had recommended Mrs. Surratt to mercy on the ground of her sex (and age, I believe). But I am certain he did so inform me about that time, and that he said he thought the grounds urged insufficient, and that he had refused to interfere; that if she was guilty at all, her sex did not make her any the less guilty; that he, about the time of her execution, justified it; that he told me that there had not been "women enough hanged in this war."

General James A. Ekin, one of the commissioners in the trial, relates, under date of August 26, 1867, a conversation he had with General Holt soon after the trial, in which he states that General Holt told him that the entire case, including all papers, had been placed before the President, and that his particular attention had been directed to the recommendation of certain members for the commutation of the sentence of Mrs. Surratt; that the President had carefully scrutinized and fully considered the case, including the recommendation to mercy on behalf of Mrs. Surratt; but that he could not accede to or grant the petition, for the reason that there was no class in the South more violent in the expression and practice of treasonable sentiments than the rebel women, etc.

General H. L. Burnett, in an address before the Loyal Legion, New York, on the 3d of April, 1889, published in the "New York Tribune" of the next day, in giving an account of the trial and explaining why the recommendation for clemency to Mrs. Surratt did not appear in Pittman's book, said:

When I reached my office from the War Department on June 30, or possibly on the morning of July 1, I attached the petition for mercy to the findings and sentences, and at the end of them. I carried the findings and sentences, and the petition or recommendation, and delivered them to the Judge Advocate General in person; and I never saw the record again until many years after, I think in 1873 or 1874. After Judge Holt's interview with the President, on July 5, the former came to Mr. Stanton's office in the War Department. I was with Mr.

Stanton when Judge Holt came in. He said, "I have just come from a conference with the President over the proceedings of the military commission." "Well," asked Mr. Stanton, "what has he done?" "He has approved the findings and sentence of the court," replied Judge Holt. "What did he say about the recommendation to mercy of Mrs. Surratt?" "He said that she must be punished with the rest; that no reasons were given for his interposition by those asking for clemency in her case, except age and sex."

Now, is there a fair-minded person living who would require more or better proof that the recommendation for the commutation of the sentence of Mrs. Surratt to imprisonment for life was in President Johnson's office, and that the question was fully considered by him in conference with several, if not with all, of the members of his Cabinet before the day of execution? True, no one states that he actually saw it in the President's hands, though Judge Bingham says both Secretaries Stanton and Seward told him it was presented to him and duly considered before the death sentence was approved. But Attorney-General Speed, a direct eyewitness, could, had he chosen to speak, have made this fact certain beyond doubt or cavil. Mr. Ford professes amazement at General Holt's anxiety for more detailed testimony from Mr. Speed, as indicated by their correspondence on the subject in the "North American Review" for July, 1888. I am myself free to confess that I do not think any additional proof whatever is at all necessary for General Holt's complete vindication; but Mr. Speed had been a lifelong friend of his, and knowing that he saw the aforesaid recommendation in the President's own hands, is it strange he should insist that he should tell him so? He may be, and is, I think, over-sensitive. In his preface to Pittman's book of the trial, Major Ben: Perley Poore, who unwittingly repeats the false newspaper manacle story, observes, "General Holt is an inflexibly upright administrator of justice, yet humanities have a large place in his heart"; and General Mussey, speaking of the call made by General Holt at the White House on the morning of the execution, when Miss Surratt was there and the President had refused to see her or any one in her mother's behalf,—overruling, also, at the same time, Judge Wylie's writ of habeas corpus,—says, "I shall never lose the impression made upon me of your [General Holt's] deep pity for her [Miss Surratt] and of the pain which her distress caused you." But will Mr. Ford or any other of General Holt's persistent calumniators be so kind as to state why General Holt should have been so anxious for Mr. Speed to tell the whole truth, had he not known, beyond the remotest question, that it would have been conclusive testimony in his favor? Would he have asked Mr. Speed to say more than he did say, if he had had the least doubt on that point? Surely not.

It is not the purpose of this article to go into the evidence regarding either Mrs. Surratt's guilt or innocence; but I cannot refrain from brief comment on the following quotation from Mr. Ford's article, wherein, referring to Mrs. Surratt, he says:

The very man of God who shrived her soul for eternity was said to be constrained to promise that she should not communicate with the world. As the poor martyr walked in her shroud to the scaffold, it is also said that she begged the priest by her side to let her tell the people "she was innocent." She was told that "the Church was permitted only to prepare her soul for eternity; that already she was dead to all else."

This looks strangely, to say the least; and I am reminded by it that it was just this which the late John M. Brodhead, Second Comptroller of the Treasury, once told me was, in his view, conclusive proof of Mrs. Surratt's guilt. He believed that had not the priest known from her confession that she was guilty, he would never have prohibited her from declaring her innocence, but would himself have insisted on it to the last moment. One thing is certain, there was no man living who more firmly believed in her guilty participation in the assassination of Abraham Lincoln than President Johnson, who, in commenting on the appeals made to him for clemency, said at the time to Rev. J. George Butler of St. Paul's Church, Washington, that "he could not be moved; for, in his own significant language, *Mrs. Surratt kept the nest that hatched the egg.*"

I have observed that General Holt at one time asked for a court of inquiry. It was in September, 1866. In his answer, November 14, 1866, Edwin M. Stanton, Secretary of War, wrote to "Brevet Major-General Holt, Judge Advocate General," as follows:

Your letter of the 11th of Septcmber applying for a court of inquiry upon certain imputations therein mentioned as made against you, of official misconduct in relation to the prosecution of Mrs. Surratt and others charged with the assassination of the late President, Abraham Lincoln, and in the preparation of testimony against Jefferson Davis and others, charged with complicity in said crime, has been submitted to the President (Johnson), who deems it unnecessary for your vindication to order a court of inquiry.

In communicating the President's decision, it is proper for me to express my own conviction that all charges and imputations against your official conduct are, in my judgment, groundless. So far as I have any knowledge or information, your official duties as judge advocate general, in the cases referred to, and in all others, have been performed fairly, justly, and with distinguished ability, integrity, and patriotism, and in strict conformity with the requirements of your high office and the obligations of an officer and a gentleman.

WASHINGTON, D. C.

Horatio King.

Boston Corbett.

THE authors of the "Life of Lincoln," in their description of the pursuit of Booth and his death in Garrett's barn, say:

Booth, who was clearly visible by the flames through the cracks in the building, was shot by Boston Corbett, a sergeant of cavalry, a soldier of a gloomy and fanatical disposition, which afterwards developed into insanity.

I was a member of the 16th New York Cavalry, and well acquainted with Corbett, and I feel a grave injustice is done him in the above description of his disposition. He was intensely religious, and was actuated by his convictions of duty under all circumstances. This frequently drew upon him the jeers and insults of the coarser and more reckless spirits of the regiment, but their persecution never deterred him from doing what he conceived to be his duty. If this was being a gloomy fanatic then he was one, but in no other sense.

My recollection of him—and we soldiers learned to know one another as we roughed it together on picket and on scout—is the very opposite to this. I have never known a person so cheerful and heroic under circumstances of intense suffering and great provocation. His example has been a source of inspiration to me through all the years since last we parted. I well remember he allowed himself to be reduced to the ranks and suffer a humiliating and cruel punishment

OPEN LETTERS.

rather than withdraw a charge, which he believed to be true, that he had made against an officer. He was actuated by his convictions then, and I believe he was inspired by the same high motive when he fired the shot that slew the assassin of Lincoln. He believed it was better to disable Booth — for that was his intention — than to permit him to shoot Lieutenant Doherty, which evidently in another moment he would have done.

I have read with intense and ever-increasing interest the "Life of Abraham Lincoln," and as it is destined to become a classic and make history, even the most humble individual who appears in its pages should have dealt out to him a full meed of justice. I am sure no persons have a more earnest desire for this than the authors.

*Austin Potter,
Late Sergeant Co. C, 16th N. Y. Cavalry.
METHODIST PARSONAGE, DUNNANON, ONTARIO.*

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MR. FRANCIS P. BLAIR, SR., already a prominent figure in national history in the days of Andrew Jackson, was the father of Montgomery Blair in the Cabinet of Mr. Lincoln, of Frank P. Blair, Jr., a major-general in the Union army and the commander of a corps of Sherman's forces in his famous march from Atlanta to the sea, and father-in-law of S. P. Lee, an admiral in the United States navy.

It was the daily habit of Mr. and Mrs. Blair, each of them then approaching their eightieth year, to ride around the country, along the byways, and off the public roads. This couple were known by all the country folks for miles away from their home, which was at Silver Spring, the famous and historic spot where the destiny of so many men in public life was fixed or changed. The roads leading into the city of Washington were well guarded; so well, that the pickets were very near each other. These pickets were changed every day, and of course the guards who saw this couple ride one day and who had become acquainted with them would be displaced on the morrow and new men would take their places. It so happened that Mr. Blair had adopted the idea of wearing a short green veil over and around his high hat, so as to shade his eyes in the strong sunlight which was reflected from the sandy roads under a summer sun. For the same reason, Mrs. Blair wore a bonnet coming far over her face and hiding her features. In this odd and unique style of dress they roamed and rode at will, far and near, as they had both been accustomed to do for a quarter of a century preceding.

It so chanced that one picket, who happened to be on duty a number of times at different places, was struck with the queer appearance of the couple, which did not at all comport with the fine-blooded horses they rode,¹ and becoming gravely suspicious, he determined to report them at headquarters as worthy of being looked after. This done, the order went out the next day that this was a case to be carefully examined, as many spies were known to be prowling about in search for news to be sent across the lines to the enemy. A sagacious and faithful man was specially detailed on a certain day to guard a particular road which it was

known the "suspects" must take on their return across the country. When the suspicious couple at length came in sight of this picket, after the order "Halt!" had been given, the usual questions were put, as follows: "Where are you from?" "Where are you going?" "Have you anything contraband about you?" etc. All these inquiries being responded to in a satisfactory way the picket then broke out abruptly with other questions not on the regular list, and began thus, "Well, who are you, anyway?" The old gentleman, who up to this time had done all the talking on his side and had responded to all inquiries, and who had much quiet humor in him, turned to his wife with the remark, "Betty, who are we?" With a smile the old lady turned to the picket and replied, "Well, guard, what would you think if I said we had a son who is a Cabinet minister, and another son who is a major-general, and another son who—" The guard, not waiting for any more, quickly interrupted with the retort, "And I suppose you will say another son who is an admiral!" "Yes," responded the old lady, "an admiral, also." "Well, now, old woman, that is coming it a little too strong. If you had left out the admiral, I might have believed you; but as it is, I think you are both subjects for the headquarters; and so come along." There was no course but submission, and the three rode along some distance, the prisoners in front of their captor, and all the way the latter kept a watchful eye upon the supposed spies.

At length a group of officers approached, each making a salute and halting to speak to the captured rebels. "Why," said one of these officers to Mr. Blair, "what does this mean? You in the hands of a military guard? One might suppose you were prisoners and on your way to headquarters." "Well," said Mr. Blair, "so we are." The officer, quickly turning to the soldier, demanded to know what he had been doing. Much abashed and crestfallen, he explained to his commander in an undertone, "Well, sir, when I questioned the old man I believed him to be all right; but when the old woman told her darned story about her having one son in the Cabinet, and one son a major-general, and then on top of that added another son an admiral, I thought she was yarning, and I would not believe anything but that they were real spies, and I arrested them on the spot."

I tell the story as it was told to me by Mr. Blair himself immediately after the incident.

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Dr. G. H. Schuster

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The following is a passage from the diary of Dr. Blakeslee showing the death of Lincoln, upon which the death of Lincoln had upon him—*Horrors! Horror!* Most sanguineous murder!

The President, A. Lincoln, was shot last night at 10 o'clock at Ford's Theatre and died this morning at 7:22, having been entirely unconscious from the time he was shot until his death.

Secretary Seward's house was entered by an assassin and his (Seward) was attacked when on his sick bed and his wife and three children were mutilated. His sons, Frederick and "C" were also very badly cut and their lives also despaired of. Intense excitement prevailed. No news of officials Stores closed. Nearly every house is draped in mourning. J. Wilkes Booth fled beyond doubt the murderer of President.

Last Greeting with President.

The following extract from the diary makes clear the manner in which Dr. Blakeslee last saw President Lincoln before the assassination. Dr. Blakeslee, with his wife and Norton visited Navy Yard and went on board the monitor, "Mahone" on May 31, 1865, and shot one of the "Peace-makers" and other "Father Abraham." Also visited Monitor "Sergeant" and "Montgomery" all of these being the monitors built at Fort Fisher and each shows the marks of the combat. The latter is 290 feet long and draws a shot 11 feet of water. Throw weight of shot weighing 40 and shell \$80 pounds.

Dr. Blakeslee well remembers the solemn proceedings and tells in an extremely interesting manner of the events which occurred on May 31, 1865, that Dr. Blakeslee attended the trial and secured the autographs of members of the military commission which tried the conspirators, which are published in reproduction in *The Binghamton Press*. Dr. Blakeslee well remembers the solemn proceedings and tells in an extremely interesting manner of the events

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Nov. 2, 1908.*

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AUTOGRAPHS OF MEMBERS OF MILITARY COMMISSION WHO TRIED AND FOUND GUILTY THE LINCOLN CONSPIRATORS

A. H. Grant *C. W. Tracy*
Wm. C. Davis *Maj. General*
Lew Wallace *A. P. Howe*
Gen. J. M. C. M. Harris *P. T. Foster*

James A. Garfield *Gen. H. L. T. Thompson*
D. R. Belknap *P. M. Harris* *P. T. Foster*
August V. Kautz *H. C. Burnett*
Walt. J. A. Bingham *Boston Corbett*

The above was reproduced from an autograph album belonging to Dr. F. D. Blakeslee of Binghamton, local superintendent of the Anti-Saloon League. Dr. Blakeslee personally secured the autographs by passing the album over the railing while the commission was in session in Washington in 1865. The first autograph is that of General Grant, who was not a member of the commission, while the last is that of Boston Corbett, the soldier who shot and killed Booth in the burning barn by firing a bullet through his brain. Corbett was not a member of the commission. The other autographs are those of the members of the commission.

J. H. SURRETT, ACCUSED IN LINCOLN PLOT, DEAD

BALTIMORE, Md., April 22 — John Harrison Surratt, last survivor of the alleged conspirators tried for implication in the plot to assassinate Abraham Lincoln, died here last night. He was 72 years old. Mr. Surratt retired as general freight agent of the Baltimore Steam Packet company recently. In the Civil war he served in the Confederate secret service.

When he heard a warrant had been issued for him, he fled from New York to Canada, and then to Europe, Egypt and South America. He was acquitted after being brought back for trial and came to Baltimore.

The Case of Mrs. Surratt.

TO THE EDITOR OF THE EVENING POST:

SIR: In your editorial comment on the case of Miss Cavell you seem to forget or wish to forget a bit of American history. It happened in July of '65: A military commission, composed of the following American officers: Major-Gen. Hunter, Gen. Lew Wallace, Gen. J. A. Ekin, Col. Tompkins, Gen. Kautz, Gen. Foster, Gen. Harris, Gen. Howe, Col. Clendenin, Gen. Holt, Judge Advocate Bingham, Col. Henry L. Burnet, passed judgment upon a woman, one Mary Surratt, guilty of conspiracy in receiving, entertaining, harboring, and assisting rebels. This commission, composed of good American officers, good fathers, and good husbands, full of their country's ideals, sentenced this woman to be hanged by the neck until dead. This sentence was approved by our own President Johnson.

The annals of modern history will be searched in vain to find a parallel.

Don't be a hypocrite. Be fair and just.
EDNA WARREN.

Tompkinsville, S. I., October 23.

[It was not "rebels," but assassins, whom Mrs. Surratt was condemned for harboring and conspiring with. Our correspondent omits to state that the Military Commission recommended, on account of the prisoner's sex, that her sentence be commuted to imprisonment for life. Even Lincoln's biographers wrote of "the repugnance which all men feel at the execution of a woman." Later, Mr. Rhodes expressed the view, which many Americans entertained at the time, and which nearly all hold now: "A woman who had not actually committed murder, whose part in the crime was not shown beyond a reasonable doubt, should not have been sent to the gallows."—ED. EVENING POST.]

Mr. H. E. Barker, with the compliments
of Francis D. Blakeslee
Third Section May 18th, 1927.

THE BINGHAM

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ident and wife." It was on this occasion that President Lincoln recognized Dr. Blakeslee, he and his wife having visited the Navy Yard for the same purpose, that of inspecting the war vessels. This is considered to be one of the latest greetings extended by the President on the streets of the Capitol city before his death.

Lincoln's Principles

Still another incident of unusual interest is recounted by Dr. Blakeslee in relation to the temperance principles of President Lincoln, and his plans to fight the organized and licensed selling of liquor. The local man saw Lincoln about an hour and a half after the following interview had been given to a man named Merwin, who was intrusted with a message of unusual importance to Horace Greeley of the New York Tribune, in the course of which President Lincoln is quoted as saying: "Merwin, we have cleared up a colossal job; slavery is abolished. After reconstruction the next great question will be the overthrow and suppression of the legalized liquor traffic, and you know my head and my heart, my hand and my purse will go into this contest for victory. In 1842, less than a quarter of a century ago, I predicted that the day would come when there would be neither a slave or a drunkard in the land. I have lived to see one prediction fulfilled. I hope to live to see the other. Good-by."

To a certain extent the early history of this city is interwoven in the reminiscences of Dr. Blakeslee in view of the prominence of Daniel S. Dickinson. On Sept. 7, 1864, Dr. Blakeslee attended a meeting in Brigham hall, this city, when Mr. Dickinson was one of the speakers, the event having been arranged as a public celebration of the fall of Atlanta.

During the great history making period at Washington, D. C., Mr. Blakeslee never lost an opportunity to attend the public receptions in honor of the prominent men of the day. He met many of those who are mentioned so frequently in history and his one regret is that he did not give more time to the keeping of the diary which has become of considerable value.

Fort G. K. Blakeslee.

A. Lincoln

Nov. 2, 1865

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HARLEM PHYSICIAN TELLS OF LINCOLN CONSPIRACY TRIAL

Dr. John T. Nagle, Then an Army Surgeon, One of the Few Men Present.

ONLY ONE OTHER DOCTOR IN ATTENDANCE, HE SAYS

He Was Dr. George M. Bradford, Also an Army Physician and Also Still Living.

Dr. John T. Nagle, of No. 163 West 128th street, is one of the few men who was invited to be present at the beginning of the trial of the assassination conspirators following the murder of President Lincoln. Dr. Nagle at the time was an assistant surgeon in the army and stationed at the General Hospital in Mount Pleasant, a suburb of Washington.

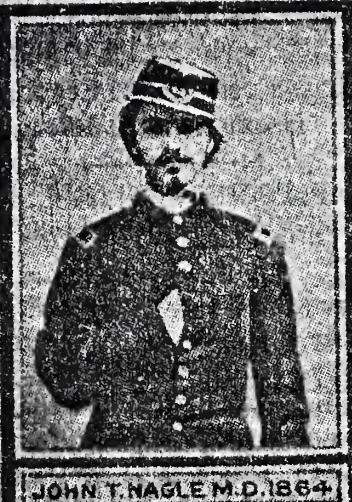
He was personally acquainted with President Lincoln and attended several of the receptions at the White House. Dr. Nagle said when the trial first began the sessions were private, not more than a dozen spectators being admitted. He remembers that only one other physician was in attendance. This was Dr. George M. Bradford, also a young army surgeon.

"My duties were such that it was impossible for me to attend the trial regularly. I was only there two days, but remember distinctly the prisoners, the court room and the excitement which prevailed at the time.

"The trial was held in a large room in one of the buildings in the navy yard, around which a strong guard had been stationed. The prisoners were seated on a raised platform along the wall, while opposite sat the counsel for the accused.

"The court sat at a long table. Of the prisoners Harrold looked to me to be the weakest, and, as I remember it, he broke down several times during the trial. Mrs. Surratt and Payne on the days I attended the trial appeared very calm, as did also the other prisoners."

Dr. Nagle was graduated from the New York Medical College in March, 1864, at the age of twenty-one years. He immediately took an examination before the Army Medical Board, which he passed with honors, and was sent to the front. He distinguished himself at the Battle of



JOHN T. NAGLE M.D. 1864



JOHN T. NAGLE M.D. 1900

Kearns town, Virginia, previous to being turned to New York and built up a lucrative practice.

At the close of the war Dr. Nagle re-

He retired two years ago.

W. H. Selby

114

2 (0 Alfred C. Gibson, former Civil War
veteran, who participated in a clerical
capacity at the military trial of the
assassins of Abraham Lincoln, left
\$70,000 to his widow, May Whidden
Gibson. He died February 1 at 19 W.

Evening Bulletin
PHILADELPHIA

TUESDAY, FEBRUARY 3, 1931

VETERAN DIES



ALFRED C. GIESON

Civil War veteran who participated in the military trial of the conspirators who assassinated Lincoln, died at his home, 19 W. Phil-Ellena st., Germantown, Sunday. Funeral services will be held tomorrow.

PHILADELPHIA

Pa. Ledger
8 2/2/31

A. C. GIBSON LEAVES \$70,000 TO WIDOW

File Will of Manufacturer Who
Witnessed Trials of Lin-
coln Assassins

Alfred C. Gibson, manufacturer and clerk at the trials of the conspirators who plotted the assassination of President Lincoln, left an estate of \$70,000 to his widow. Mrs May Whidden Gibson, in his will filed for probate today.

Mr. Gibson died February 1. at his home, 10 West Phil-Ellena street, Germantown. He was 81.

As a boy of 16 he enlisted in the 215th Pennsylvania Volunteers during the Civil War. He was assigned as clerk to General Hartranft, commander of the military prison at Washington, where those concerned in the assassination plot were tried and executed. General Hartranft later became Governor of Pennsylvania.

Later Mr. Gibson returned to this city and founded the Gibson Gas Fixture Works, Broad and Callowhill streets, retiring from business in 1916. His will was executed in July, 1919, making his widow his sole heir.

'61 HERO'S CAREER CLOSES

St. Clair Helped Execute Lincoln Assassins

By JOSEPH W. DRAGONETTI

With the burial of Daniel St. Clair yesterday in Reading, with appropriate military ceremonies, another veteran of the Civil War answered the final roll-call and went to join his buddies of '61.

St. Clair died Monday night at the home of his daughter, Mrs. George Delaney, 5918 K st.

His death recalls cherished memories of a lad of 16 who enlisted in the 93d Regiment, Pennsylvania Volunteers, to fight for the preservation of the Union. When the war started, St. Clair, through whose veins ran the blood of many generations of Scotch and French military leaders, could not resist the call to arms and, despite objections of his parents, answered the call.

He was only a boy, but a few years of war soon made a man of him, and he went through experiences which a

weaker man could not have endured. Injured at the battle of Fair Oaks, he was taken prisoner by the Confederate army. He spent 13 weeks in Libby prison in Richmond, Va. While there he was vigorously grilled by intelligence officers of the Southern Army in an effort to obtain military secrets. But the lad of the North remained loyal to his regiment and refused to give any information, declaring he would die rather than betray the trust of the North. He was weak from injuries and lack of food when a Southern colonel admired his pluck and said: "The North should be proud of soldiers like you." He gave St. Clair a \$10 bill, which the boy said saved his life, buying food to regain his strength.

Later St. Clair was sent North in an exchange of prisoners, but his injuries prevented further active service.

Re-enlisting in the Veteran Reserve

Corps, he was stationed in Washington for guard duty. While there he was present at the execution of Mrs. Surratt, at whose home the plot was hatched for the assassination of President Lincoln. He escorted Mrs. Surratt to the gallows. He was present, also, at the execution of Colonel Wirtz, who was hanged for inhuman treatment of Union soldiers. Just before Colonel Wirtz died, he gave St. Clair his necktie. This memento is now in the possession of his daughter, Mrs. Delaney, with whom he lived for the past 15 years.

Daniel St. Clair was personally acquainted with Lincoln. While stationed at Washington, he often saw the martyred President. While he was recuperating from his wounds in a Long Island hospital, Lincoln shook hands with him when he visited

Continued on Page 4, Column 7.

Career of Civil War Hero Ends in Death

Continued From First Page.

wounded soldiers. On the night Lincoln was shot at the Ford Theater, St. Clair had planned to attend the play, but changed his mind at the last minute. He did, however, recall the excitement in the capital the night the President was shot.

Daniel St. Clair was the last survivor of his company. He was a member of the McLean Post, G. A. R., in Reading. For the past 15 years he had lived in upper Kensington with his daughter.

St. Clair came from a distinguished line of soldiers. His ancestors were among the first settlers of Reading. He was related to General Anthony Wayne, of Revolutionary fame, and Governor Ritner, one of the early chief executives of the Keystone State. He was named after Daniel Ritner, an officer in the Revolutionary War. The line of military service to his country was carried on by his son, John H. St. Clair, now a member of the police force in Reading, who served for five years in the Marine Corps and saw service in the Spanish-American War.

The aged veteran was a great reader, and his daughter, Mrs. Delaney, said that his greatest delight was a detective story.

Until the time of his death, St. Clair had been a storehouse of memories of the Civil War, and his yarns about the war and his contacts with Lincoln were of interest to the many friends who came to see him at his daughter's home.

PHILADELPHIA

12

THE CADIZ REPUBLICAN

CADIZ, OHIO

March 6, 1934

Lincoln Natl. Life Insurance Co.
Fort Wayne, Indiana

Dear Sirs: I would appreciate a copy of "Little Known Lincoln Episodes." For some time I have intended writing you, to say that this county produced five men who were well known to Lincoln--not produced them, but was connected with them. Stanton first practiced law here and was prosecuting attorney of this county. His original desk and safe are yet here. Custer, one of the outstanding generals of the war was born here. Bishop Simpson, spiritual advisor who delivered the oration at the tomb, in Springfield, was born here. General Thomas A. Vincent, in charge of recruiting at Washington and said to have helped originate the Grand Review, was born here. John A. Bingham, prosecutor of the assassins and war time Congressman, came here when a boy and made this his home until his death. I have made some study of each.

I have a letter to Bingham from J. Holt which I think proves that Stanton withheld evidence in the trial of the assassins, also on the controversy between Pres. Johnson and Holt on the recommendation for clemency for Mrs. Surratt.

Sincerely,

Milton Ronsheim

Box 122

(Material seen by Esenshaw)

March 9, 1934

Mr. Milton Ronsheim
Box 122
Cadiz, Ohio

My dear Mr. Ronsheim:

Your letter directed to the Company with reference to the various persons associated with Abraham Lincoln who at some time lived at Cadiz has been referred to this department.

We are very much interested indeed in this historical contact, especially in the letter which Mr. Bingham received from J. Holt with reference to the evidence which was withheld by Stanton at the trial of the assassins.

We are wondering if you would ever put into print any of your findings so that it would be possible to secure copies of what you have done.

We are especially interested in the copy of the letter to Mr. Bingham.

If you contemplate doing something some time in the way of publishing books on this question, we would like to know when we might expect.

It occurs to me you would like to be placed on the mailing list for our weekly bulletin, Lincoln Lore, which goes out to about three thousand Lincoln students in America and which is sent gratis to those interested in Lincoln. If you would care to have this publication we would be very happy to place you on our mailing list.

Very sincerely yours,

Director

LAW:EB

Lincoln Historical Research Foundation

New Haven Tuesday Jan 20

Editorial on the Constitutionality of
the Conspiracy Trial - E

"When we consider that the victim
of the assassin was the commander in
chief of the Army and Navy, that
the assassination occurred in the city
then under martial law and
-conspired by facts and testimony
that the assassins proven to be
the agents of a conspiracy of which
off rodes was the head, that these
agents were then representing &
are instrumental of an armed
rebellion in whose service and for
whose interest they acted and that
that rebel commission was actually
been forwarded for some of them we see
that the Judge Colcock knew well how
no difficulty in glossing over the
case fully covered by the constitution
and every which the defense guides



S-3-107-1-36

United States Military Commission at the trial of the conspirators in the Lincoln assassination. Joseph Holt, in civilian clothes, was the judge advocate general of the commission.



Standing : M. Harris, Lew Wallace, August Kautz (brother of the admiral), and Col. Henry Burnett
Seated : Col. David B. Clendenning, Col. Charles H. Tompkins, Col. Albion P. Horne, James A. Eakin, Daniel B. Hunter, Robert C. Foster,
John A. Bingham, Joseph Holt

LEGAL COMMENT

On Civil Service

Authoritative Interpretations of Legal Matters
Which Affect the Civil Service Employee

By—
PROFESSOR JOHN W. CURRAN
of the De Paul University College of Law

The Significance of The Lincoln Murder Trial

Postponing the discussion of the topic, "Garnishment of Civil Service Employees," the following observations will relate to some aspects of America's greatest conspiracy trial. In the light of today the Lincoln Conspiracy Trial that followed in the wake of an attempt to overthrow the government of the United States is very significant. Such is the remark I recall from a conversation with the eminent Lincoln scholar Dr. Louis Warren of Fort Wayne, Indiana.

Two reasons might be given for such a departure from Civil Service comment; one is the historical . . . it was seventy-five years ago that President Lincoln was assassinated, the other is that it is timely to consider a conspiracy that has been one of the mysteries of history in reference to fifth column activities, espionage, and treasonable conspiracies of today. The conspiracy of 1865 is an actual demonstration of the damage to society that can be caused by a well organized few. Furthermore one of the chief witnesses for the United States in this trial of the century at Washington, D. C., was a governmental employee, L. Weichmann.

Eisenschiml's "Why Was Lincoln Murdered," a recent best seller, is the modern source book on this subject, without which a composite picture of this matter cannot be seen, and I might add a very helpful key to many of the volumes published in the last few years touching upon the subject. In this book the various theories of the scholars underlying the political conspiracy that led to the assassination of President Lincoln will be found, including the one that rests its entire case upon John Wilkes Booth, and says he was actually acting alone because of a statement in one of his letters that he was, "A confederate doing duty upon his own responsibility." The Beall theory is a supplement of the first in that it claims Booth's act of murder was one of revenge because President Lincoln did not sus-

conspiracies within a general conspiracy to overthrow the government. At one time the conspirators seriously thought of kidnapping the President and then taking him into the Confederate lines. The arch-assassin Booth stated in his diary, as follows:

"April 13, 14, Friday, the Ides. Until today nothing was ever thought of sacrificing to our country's wrongs; **For six months** (emphasis added) **we had worked to capture . . .** I struck boldly, and not as the papers say. I walked with a firm step through a thousand of his friends; was stopped, but pushed on. A colonel was at his side. I shouted "sic semper" before I fired . . . I can never repent it though we hated to kill . . ."

Booth fled into Virginia from Ford's theatre; he had arranged to have a horse near the stage-door in order to facilitate his escape. Although not universally accepted as true there are many who believe that Booth was captured ten days later at Garrett's

farm and died on the porch as he murmured, "Tell mother . . . tell mother . . ." His companion in flight, a young fellow, David E. Herold, was captured with Booth and returned to Washington for trial. Eleven others including one woman who operated a boarding house where many of the conspirators frequented had been arrested in Washington in the meantime. These eight were the alleged conspirators that were brought to trial before a Military Commission for the assassination of President Lincoln. All were found guilty but only four were hanged, three of the men and the woman, including Payne who had attacked Sec'y. Seward in his home, Mary E. Surratt, although a recommendation of mercy signed by five of the members of the Military Commission that found her guilty suggested on account of her age and sex that President Johnson commute the sentence of death to imprisonment for life. Her son, the ninth conspirator and friend of Booth, had fled to Canada and avoided arrest in 1865 but he was captured in 1867 and returned from Egypt to the United States and tried by a jury in Washington . . . the jury disagreed and the son was returned to freedom a few months later.

Thus it is apparent that the Lincoln Conspiracy trial teaches a lesson that we should be mindful of today.

pend the death sentence of Captain John Young Beall, one of Booth's friends. After a military trial Beall was sentenced to death on Feb. 24, 1865, at Governor's Island, New York. Beall with a group of men in 1864 seized a steamboat on Lake Erie, made it crew prisoners, converted it into a vessel of war and terrorized the commerce of the Great Lakes and he contended that he was a Confederate prisoner of war and paradoxically entitled to the protection given by the laws of war.

It is stated that Booth sought President Lincoln to recognize Beall's status and thus save him from the sentence of death, and that President Lincoln would have done so if it had not been for the opinion of other members of his cabinet that spying and treason must be made odious. Booth then became enraged and swore vengeance.

Often the assassination of President Lincoln is said to be the culmination of a series of

[to top of col. 2]

The Story Behind Lincoln Death Plot and Trial

Court Makes a Grisly Circus of Case

The first 15 days of April, 1865 left their mark in history. THE TRIBUNE in recent issues recalled Richmond's fall on April 3, and Gen. Lee's surrender to Gen. Grant on April 9, ending the Civil War. The assassination of President Lincoln just 100 years ago yesterday and the events which followed the crime are the subject of today's article.

BY ALEX SMALL

(Picture on back page)

Readers who opened their CHICAGO TRIBUNES on the morning of April 15, 1865, found a startling innovation. Its lead column, in the middle of the front page, was marked "4 A. M.", showing that it had been replated for the telegram which came in at that hour.

Below was the reason for this practically unprecedented step in the headlines: "Terrible News. President Lincoln Assassinated at Ford's Theater. A Rebel Desperado Shoots Him Through the Head and Escapes. Secretary Seward and Major Fred Seward Stabbed by Another Desperado. Very Latest: The President Is Dying."

The full story of what happened on that night of April 14 was soon known and has varied little since. Lincoln, who had been relaxed since Lee's surrender at Appomattox five days before, agreed with his wife that she have an evening out, and that they go to Ford's theater on 10th street to see a production of "Our American Cousin." The play was a mediocre mess of bokum even by the standards of 1865, but Mary Lincoln wanted to see its leading lady, the celebrated Laura Keene.

Guests Switched

Secretary of War E. M. Stanton and the victorious general U. S. Grant were to have been in the party, but Stanton excused himself on the plea of too much work and Grant had left Washington with his wife in the afternoon to visit their children in New Jersey. Their places in the Presidential box were taken by Miss Ruth Harris, a senator's daughter, and her fiance, Major Henry R. Rathbone.

The box hung directly over the stage. None of its occupants knew that it had been tampered with during the day by a man who had access to the whole theater because he was a well known actor. He had bored a peep hole thru the back door of the box, and fixed a plank in such a way that it was impossible to open the other door leading to the box from the dress circle of the orchestra.

Another circumstance unknown to the party in the box was that John F. Parker, the Washington policeman assigned



Presidential box where John Wilkes Booth shot Abraham Lincoln. Picture was taken by Matthew Brady, Civil war photographer.

to guard the President, had about 9 p. m. got bored with sitting in the corridor leading to the box and gone off to get drunk at a nearby tavern.

An Eyewitness Account

For what happened after Parker left his post, we have the official statement of Miss Harris: "About an hour before the commission of the deed, the assassin came to the door of the box and looked in. It was supposed at the time that it was either a mistake or the exercise of impudent curiosity. Upon his entering the box again [shortly after 10 p. m.], Maj. Rathbone rose and asked the intruder his business. He rushed past the major without making a reply and, placing his pistol close to the back of the President's head, actually in contact with it, fired. He sprang upon the baluster of the box, then made a backward plunge with his knife, aimed at the face or breast of Mr. Lincoln. Maj. Rathbone, stepping forward to protect the President, received a stab in the arm. The rapidity with which all was committed was astounding."

Lincoln slumped forward unconscious, Mrs. Lincoln fainted, and the assassin jumped down the nine feet from the box-rim to the stage.

In his jump a spur [he was in riding clothes] caught in a fold of the decorations, so that he landed heavily and broke a leg, a circumstance which later made it easy to track him down. Somewhere in all this he shouted, either the motto of Virginia, "Sic semper tyrannis" or "The south is avenged" or both. He disappeared in the wings with no one trying to stop him and got out to the horse he had waiting for him.

Killer Recognized

He had been recognized as John Wilkes Booth, a nationally known actor of a family of ac-

Seward house and murderously assaulted both the secretary of state and his son, but Seward's life was saved by a metal collar he was wearing in consequence of a riding accident. Atzerodt, assigned to kill Vice President Andrew Johnson lost courage and did not even attempt to get near his designated victim.

This much was certain: Booth was guilty of murder; Atzerodt, Herold, and Payne were accessories before the fact. That would have been enough to hang all of them.

Trial a Grisly Circus

This was apparently too simple for those who had charge of the sequel to the Lincoln murder, especially E. M. Stanton, the secretary of war. They had determined to turn the trial into a grisly circus, and to be deterred by no scruples about probability, legality, or even ordinary human decency.

Perhaps the producers of this show were furious because their leading man had played them false. Booth had died of a gunshot wound on April 26. John Surratt had escaped.

On May 10, 1865, a military commission headed by Maj. Gen. David Hunter began the trial of eight persons accused of being involved in the murder of Lincoln. Besides the three undoubtedly criminals [Atzerodt, Herold, Payne], there were Booth's two former associates, Arnold and O'Laughlin, Dr. Samuel A. Mudd, who had set Booth's broken leg during the latter's flight, Ernest Spangler, a scene shifter at Ford's theater, accused of helping Booth to arrange the box for the murder, and Mrs. Surratt, who presumably had culpable knowledge of the whole plot since the conspirators used to gather at her boarding place.

Stanton Dreams Up Charge

The charge against all eight was dreamed up by Stanton. It was "combining, confederating, and conspiring with Jefferson Davis to kill and murder Abraham Lincoln." Even the

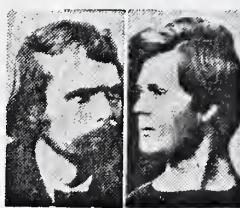


John Wilkes Booth and Mrs. Mary E. Surratt.

most hysterical anti-southerner wondered what Jefferson Davis was doing in this company.

The charge was probably the least fantastic feature of a performance which historians since, except the few who wanted to protect damaged reputations, have not hesitated to call a national disgrace.

The court, to start with, had no legal basis except the will of a victor in a war to say it was legal. A military commission, it should be noted, was not a court martial. The latter could have jurisdiction only



George A. Atzerodt (left) and Lewis Thornton Payne.

over soldiers, or civilians committing overt acts in a zone of fire. The military commission was an invention of Stanton's, condoned by Lincoln, to give alleged trials to civilians whom Stanton did not dare bring before the regular tribunals.

Prisoners in Irons

The defendants were all in irons, and for some reason which seemed cogent to Stanton, wore flannel bags over their heads. The defense was

led by Reverdy Johnson, possibly the most brilliant and respected legal mind of his time. But Johnson's national and even international fame did not save him from the humiliating ballyhooing that was accorded the defendants. He had made the mistake of being openly an anti-Lincoln man.

Johnson naturally challenged the legality of this court. To answer him, the judge advocate-general, Joseph Holt, deputed his hatchet man, John Armour Bingham, who jeered at Johnson and affirmed that the President of the United States had power to "string up culprits without any court."

The opening set the tone for the whole performance, which lasted until June 29. Since the judges had decided on the verdict beforehand, this prolongation of their agony can be explained only by Stanton's vindictiveness. He was considered among his contemporaries as the soul of integrity; only a later generation revealed the pettiness and trickery of which he was capable.

Diary Not Admitted

Grossest of the court's irregularities was the refusal to admit in evidence Booth's diary, the one he had kept during the 12 days of his flight. It would decisively have cleared some of the defendants.

The mildest sentence, six years of prison, went to Spangler. Arnold, O'Laughlin, and Dr. Mudd were sent to prison for life. Atzerodt, Herold, Payne, and Mrs. Surratt were sentenced to death.

Even this court felt some qualms about Mrs. Surratt, and added to her sentence a plea for presidential clemency. It was not accorded, and she was hanged with the three others on July 7. Later accused of inhumanity with regard to Mrs. Surratt, President Johnson affirmed that he had never seen the court's recommendation, and that, if he had seen it, he would certainly have been merciful.

Others Join in Plot

Richmond fell and Booth got himself a new set of conspirators. One was John H. Surratt, son of a boarding house proprietress, Mrs. Mary E. Surratt, who formerly had owned a tavern at Surrattsville, Maryland, a tavern which was to play a small part in following events. Booth's other followers were a middle aged carriage maker, George A. Atzerodt, David E. Herold, a feeble-minded youth of 19, and a penniless half-mad ex-soldier, Lewis Thornton Payne, whose real name appears to have been Powell.

These plotted to kill some of the most prominent men in Washington, but Booth alone successfully carried out the mission he had assigned himself. Payne, while Herold held his horse, did break into the



One side of Carolyn Clampitt's one-room apartment indicates her great interest in the assassination of President Lincoln. She massed memorabilia on one wall and on a chest that doubles as a buffet top for her when she entertains. There are posters, daguerreotypes and a copy of the Herald Tribune of April 24, 1865, describing the funeral so framed as to allow both sides to be read. "From the time I was a little girl both sides of my family were interested in the Civil War period. In fact, my great-great-uncle, John Wesley Clampitt, was the defense attorney for Mary Surratt. He believed in her completely."

Wash Sun. Star
3-20-66

Thursday July 10, 1958
 The Ordway (Colo) New Era
 Page 3

April 6, 1906
 Evelyn F. Hackworth
 J. D. Hanen, Colo.
 Wild Rose, Colo.

Olney Man's Kin Wrote Graphic Account of Lincoln Assassination, Plotter's Trial

By Geo Peterie

Charlie Hackworth, one of Olney's respected citizens, recently gave the following article to Mr. Galbraith to read. The Mr. Hanen who tells about the assassination of President Lincoln was a brother of the late W. C. Hanen of Olney Springs, who was a brother-in-law of Mr. Hackworth. The article was printed in the Olney Springs newspaper in either the late 20's or early 30's. Mr. Hackworth recently found the article among some keepsakes.

Lincoln Assassination Recalled by Brother of W. C. Hanen

Our well known citizen W. C. Hanen is in receipt of a letter from his oldest brother, S. R. Hanen, 91 years old, of Moundsville, West Virginia, also a clipping of a newspaper of Moundsville, in which is given an account of Abraham Lincoln's assassination, which will be interesting reading to everyone. The following is the article.

S. R. Hanen, 91 of Eighth Street, the only known living person, who was present at the trial of the conspirators

(2)

who were convicted and executed for plotting the assassination of Abraham Lincoln, told to-day a story revealing a great amount of unwritten history. He told the full details of the assassination, the shooting of the assassin, John Wilkes Booth, and capture of the remaining of the conspirators, four of whom were hanged.

Included in the group executed for the assassination was one woman, Mrs. Surratt, who, Mr. Haven says, was the person who actually planned the murder.

Mr. Haven was in command of the 65 soldiers, who were detailed to guard the members of the court, that tried the conspirators.

"I happened to be ordered to Washington from down in Virginia, where I had been stationed at the close of the war. It was merely by chance that I was detailed to take charge of the soldiers who guarded the court. We were with the members of the court when they were on the street and we guarded the buildings wherever they happened to be.

"I ranked as a First Lieutenant and was in the court room during the entire trial. The men in my command

(3)

were stationed outside the building.

"The trial took place in what was known as the Arsenal. It was located between one and two miles from the main part of town, where members of the court resided.

"The conspirators were given a military trial. This was the result of the President being commander-in-chief of the army as our President is now and probably always will be as long as the present form of government stands.

The five principal persons who were tried in connection with the conspiracy to assassinate Lincoln were Mrs Surratt and four men named Leopold, Atzerot, Harold and Dr Mudd. The first four named were executed. Dr Mudd was sentenced to four years in the penitentiary.

The aged veteran said that Dr Mudd might have been a victim of circumstances, but he was found guilty of assisting Booth, the actual slayer, to get across the Potomac. He treated an injury which Booth had received while making his getaway.

"Harold was responsible for Booth having been admitted to the theatre the night of the assassination", Mr

(4)

Hanew continued.

"He also took care of the horses on which Booth and himself made their getaway. Harold kept the horses waiting at the side doors of the theatre while Booth did the shooting.

"Booth was not working at the theatre where Lincoln was shot, as many people believe", Hanew declared.

"Booth had been employed at the theatre and was a famous actor. At the time of the shooting, however, he was employed at another theatre.

"Booth crept up to President Lincoln's box and quietly opened the door. He shot the President in the back of the head. Mrs. Lincoln and several members of his Cabinet were in the box."

Mr Hanew pointed out at this juncture that having been present at the trial and heard all the testimony he therefore was reliable information."The trial lasted for nearly three weeks and every detail of the assassination was gone over several times," he said.

"Booth jumped over the railing surrounding the front of the box" the veteran continued. In the jump, however, the spur of his right foot

(5)

caught on an American flag which had been hung as a decoration on the Lincoln's theatre box.

"He fell six or eight feet, but jumped up and escaped in the excitement which occurred following the shooting. He made his daring get-away through a side exit of the building. He found Harold waiting for him with the horses just as had been planned. Immediately a man hunt was started for the slayers but not until a week later did a party of soldiers locate him.

"Harold was still with Booth. They were found in a barn several miles back from the bank of the Potomac river in Virginia." This does not give a very definite description of the spot where they were found, the aged veteran said, but it is the best I can remember. "I did not pay particular attention to the description of the place where it was near".

"Booth and Harold, however, resisted and Booth was shot. The barn was set on fire and Harold surrendered. Boston Corbet was credited with shooting the assassin.

"Harold revealed at the trial that Booth had had a bone in his right

(6)

leg broken when he fell after catching his spur in the flag on the president's box. The fracture was not serious, however, but it is believed that his having been injured delayed the men several times. This helped the searching parties to overtake them.

"It was this fracture that had been set by Dr Mudd that led to his imprisonment. After treating the injured Booth, Dr Mudd assisted the men to get across the Potomac. Dr Mudd was pardoned by President Andrew Johnson who succeeded Lincoln.

"The investigation started immediately following Lincoln's assassination revealed that Booth was merely a tool in the actual organization that plotted the President's death. Several other prominent government officials were to have been killed in rapid succession following the assassination.

"An attempt was made to take the life of William Seward, Secy. of State under Lincoln. Although Mr Seward received a severe injury it did not prove fatal. General Grant was to have been the next victim. The investigation revealed, "Mr Hansen said,

(4)

"The fact that the general had gone on a trip north to take his daughter's away to school is held responsible for his escape. He was in Philadelphia at the time of the President's assassination, and was to have continued further north to the town where his daughter's attended school.

"However the assassination led to his immediate return to Washington. It was said at this time that General Grant's unexpected return to Washington probably saved him from an attempt against his life. It was said further that the investigators found out that an attempt was to have been made on Grant's life while he was on the trip with his daughter.

"The motto was taken up by the band of radical conspirators was 'sic semper tyrannis'. Several persons at the trial of the conspirators testified that Booth had said these words audibly when he jumped over the rail after the shooting. The phrase which is Latin means 'thus to all tyrants'.

"There was some talk and still is that Booth was not killed in Virginia but that the posse shot the wrong man.

①

"Booth, however was positively identified by Dr. A. H. Thayer, physician in the 6th West Virginia Cavalry regiment of which I was a member. Dr Thayer and Booth had at one time been personal friends.

"There were some rumors circulated, however that Booth made good his escape and several years later committed suicide.

"I was at the river when the boat came in which carried Booth's body. It was at that time that Dr Thayer identified him. A squad of men under my command were among an additional number who were ordered to join in the search for Booth after it had begun to seem as though not enough men had been detailed to the hunt to effect the capture.

"We were to take the boat down the Potomac river which brought Booth's body to Washington. This is how I happened to be right at the river when Dr Thayer identified the remains. Of course orders for us to leave to assist in the search were immediately cancelled."

#



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August 18th, 1967

Dr. R. Gerald McMurtry, Editor
Lincoln Lore
The Lincoln National Life Foundation
The Lincoln National Life Insurance Company
Ft. Wayne, Inc.

Dear Dr. McMurtry:

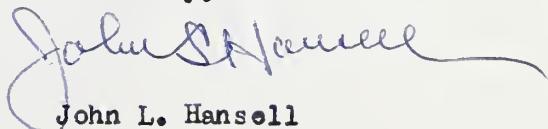
As your records will show, I receive "Lincoln Lore" each month, and have been fortunate to have had this privilege for over twenty five years. I enjoy each issue very much, and have a complete file since No. 632 of May 19th, 1941.

Upon a decent death in my family, I came into posession of the Summons to appear at the trial of David E. Herold, served upon my grandfather, Eli D. Edmunds, who at the time was an Ensign in the U. S. Navy. Strange as it may seem, he was called as a witness for Herold, altho he was in the Navy and loyal to the Union and devoted to Lincoln. (My interest in Lincoln goes back to his talks with me as a child.) He knew Herold and was called to swear to his where abouts on one particular night. Needless to say his testimony did Herold no good. His testimony appears in the book "The Trial of the Conspirators", which I have seen but do not have a copy.

I am enclosing a photo copy of this Summons, feeling that you might not have any such papers in your file, and would like to know of this one. Of course this is not for sale, but will no doubt be left, on my death, to some historical or partiotic organization.

I enjoyed hearing you speak on your visit to the Lincoln Civil War Society in Philadelphia a few years ago. We would be delighted to have you back again, in the future, if your travels bring you this way.

Sincerely,


John L. Hansell

Washington City, D. C.

May 25th 1865.

To:

You will appear as a witness before a Military Commission, convened by Special Orders, No. 211, and No. 216, dated War Department, Adjutant General's Office, May 6, and May 9, 1865, in the case of the United States, against David E. Herold, et al., on the 26th day of May at 12 o'clock, 1865, at the Court Room, Penitentiary, near Arsenal, Washington, D. C., and not depart without leave.

By order:


H. J. Bennett
Bvt Col. and Judge Advocate.

To

Ensign Eli. Edmonds
Navy Yard Washington D.C.

Washington, D. C., June 10th 1865.

I certify that Ensign Eli Edmonds has, from the 26th of May 1865, to the 27th of May 1865, both days inclusive, been in attendance as a witness before the Military Commission which convened by virtue of Special Orders, Nos. 211, and 216, War Department, Adjutant General's Office, Washington, May 6, and May 9, 1865.


H. J. Bennett
Bvt Col and Judge Advocate

August 21, 1967

Mr. John L. Hansell, C. L. U.
I. K. B. Hansell Agency
15 Park Avenue
Ambler, Pennsylvania

Dear Mr. Hansell:

I was pleased to have your letter of August 18th relative to your grandfather's summons to appear before the Military Commission at the trial of the Lincoln conspirators.

I am glad to have a Xerox copy of the original document relative to Eli Edward's testimony in the Herold trial. This will find a permanent place in our files.

If you ever dispose of this document, we hope you will give our Foundation some consideration as a depository for the old manuscript.

Yours sincerely,

R. Gerald McMurtry

RGM/cmvr

P. S. I am glad to learn that you enjoy reading Lincoln Lore.



Lincoln Lore

May, 1976

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Number 1659

Barondess/Lincoln Award to Floyd E. Risvold for Weichmann Assassination Account

Editor's Note: The Civil War Round Table of New York established the Barondess/Lincoln Award in 1962 to honor persons or institutions for significant contributions to the study of the life and works of Abraham Lincoln. Authors like Paul M. Angle, Kenneth A. Bernard, and Louis A. Warren have received the award, as have Frankie Hewitt (for her work with the Ford's Theatre Society) and Lincoln Memorial University (for its publication of *Lincoln Herald* and for maintaining a Lincoln collection). This year's award went to Mr. Floyd E. Risvold, a manuscripts collector, who bought and then carefully edited Louis J. Weichmann's manuscript, *A True History of the Assassination of Abraham Lincoln and of the Conspiracy of 1865*, published last year by Alfred A. Knopf. The Civil War Round Table of New York is to be commended for this service to the Lincoln field in general and for the choice of this book in particular, which was certainly the most significant Lincoln book of the year and may be the most significant book in the field published in several years. The following is a brief review of this interesting eyewitness account of the conspiracy to assassinate Abraham Lincoln, of the trials of the assassins, and of the witness's own struggle to vindicate his testimony.

I want to thank Mr. Risvold for his assistance in supplying the photographs used in this *Lincoln Lore*; they are unique, and we feel privileged to use them.

M.E.N., Jr.

Poor Louis Weichmann, he is one of the most despised men in Lincoln literature. Even temperate writers on the assassination suggest that his character was weak, that he was cowardly (or at least easily intimidated), that he was a hypocrite who traded his testimony for exemption from prosecution, and that he was a lick-spittle who received a government job as his

pay for doing the government's hatchet work at the trial of the assassins. At last he has been heard, and though his character remains enigmatic and still somewhat unappealing, it is only fair to have the story told as Louis Weichmann saw it.

Sensation mongers have not taken to this book. In his *apologia pro vita sua*, the government's star witness at the trial of Lincoln's assassins works so hard to prove the validity of his own testimony that he leaves little room for speculation about unpursued leads or involvement by elusive "higher-ups." The overall effect of the book (besides pleasure — it is what book editors, I think, refer to as a "good read") is to narrow the reader's field of vision, to focus his attention on the tough questions of degree of guilt or innocence among those people whom Weichmann saw at Mary Surratt's boarding house in Washington, D.C. Weichmann concludes flatly that "it can be truthfully said that Booth himself was the author of the whole scheme, both as relates to the plot to abduct, and the plot to assassinate Mr. Lincoln, in the laying of plans, in the securing of accomplices, and in the furnishing of the necessary funds. It was Booth's conspiracy, and that of the foolish young men whom he drew into his schemes along with him. In fact, it may very properly be designated as a conspiracy of foolish and misguided young men." His appraisal of



From the Risvold Collection

FIGURE 1. Louis J. Weichmann as he looked in 1892, about the time he wrote his *True History of the Assassination of Abraham Lincoln*. Weichmann was living in Anderson, Indiana, where he ran a business school. He left his patronage job in the Philadelphia customshouse when Democrat Grover Cleveland took over the White House. He moved to Anderson to be near his brother, who was a Catholic priest.

their motives is disarmingly simple and straightforward:

What the potent influence was that induced these men and this woman to enlist under Booth's black banner, I cannot comprehend, but in my own mind, I have been satisfied long ago that they were mainly actuated by cupidity — the desire to make money — to gain a large fortune. Indeed, all their talk proves this. When Booth approached Chester [to induce him to join the conspiracy], he told him their money was in it, that he could let him have three thousand dollars, and when Surratt induced Atzerodt to join the Conspiracy, and furnish the boat on which the President was to be ferried over the Potomac, it was under the promise of a fortune, and thereafter whenever Atzerodt talked about the scheme, it was always with the idea of making money. Booth himself may have been actuated by what he considered nobler motives, the desire, perhaps, to pose as the Charlotte Corday of the nineteenth century; to gain a name for himself as the avenger of the South, or by his deed to attempt to revive its dying cause; but his followers, it is safe to say, were actuated by no such motives. They were too commonplace and were not of the material out of which heroes are made.

Surratt's mother was in debt and was keeping a boardinghouse to sustain herself and family, but the son when in the city could be often seen with fine gloves and leggings on, riding on sleek and well-fed horses, and girdled around his waist with a brace of well-loaded revolvers. He kept two horses at Howard's stables on G Street which he claimed as his own, but Brooke Stabler, an employee there, testified that Booth paid for their keeping

Weichmann stresses Booth's charisma, charm, and verbal talent as keys to his success in recruiting, for example, a "country boy" like John Surratt for his plot to kidnap the President.

Only occasionally does Weichmann seem to be insufferably self-righteous. When he tells us that he regularly escorted Mrs. Surratt to church on Sundays (both were Roman Catholics), but that he could "not remember a single time during my stay in her home when her son went with her to church," he may be reporting the facts. This scene, however, seems a bit hard to take now, and the least that can be said about it is that there is little wonder that Surratt grew to hate Weichmann:

On one occasion I found John Surratt in my room sitting before the fire, looking as if his last friend had deserted him. "What is the matter, John?" said I. "Why are you so dejected?" "Weichmann," was his reply, "I can't tell you; you are a Yankee." Then I informed him that if he did not wish to trust me with his secrets, he had better go to his church, attend to his religious duties, and live as a Christian man should, and all his woe would cease.

A lawyer who once tried courtroom criminal law but found that he lost weight from anxiety during trials told me that criminal lawyers are a peculiar breed. He said that it does not matter much how well they know the law, how logical their minds are, or how learned and careful their briefs

are. All the careful preparations in the world and all the legal learning would be utterly useless if the jury did not understand the pitch or if a key witness clammed up on the stand or changed his story altogether. Criminal lawyers must be astute judges of character above all else. There seems to be some truth in this, for one finds oneself inexorably drawn into a discussion of personalities when one studies a criminal case. Is one witness or another to be believed? Is a person capable of such a crime? These are finally the questions juries answer, and these are questions which historians like to avoid but cannot when studying events like the trials of Lincoln's assassins. The argument *ad hominem* seems not to be avoidable.

What kind of witness is Louis Weichmann? It is still very hard to say, but surely the case for his plausibility is stronger now than ever before. He combines a careful reporter's eye and moral simplicity with a studied ability to piece together complex facts of time, place, and circumstance. To be sure, he seems occasionally susceptible to surface deception, as when he tells us what "an exceedingly fine-looking body of men" the officers of the military commission that tried the conspirators were. One cringes to find him reporting the superficial fact of what "a good impression [they made] on all who visited the court during the hot and exciting days of the trial." On the whole, though, such moments are rare and serve ultimately to lend credibility to Weichmann's story. After all, if he were not capable of being deceived by appearances, then he was a well-wisher to the conspiracy rather than an uncomprehending eyewitness.

His case is stronger now, but not ironclad, partly because he is so secretive about his own life and character. He tells us about Louis Weichmann only insofar as he had contact with the assassins, the men who tried the assassins, and the writers who attacked him or vindicated Mrs. Surratt. Otherwise, Louis Weichmann exists only as a dull shadow who goes to his job with the government bureaucracy (he was a War Department clerk) and returns home to eat, read a bit, and sleep. What are Weichmann's own political opinions? We do not know. He conversed affably enough with a Confederate block-

very seldom. The only Catholic clergyman in the city whom she knew well was Rev. Bernardin F. Wiget, who had been a friend of many years standing to her and her son. He called occasionally, but not often. With Father Jacob Walters, her confessor in the closing days of her earthly life, she had no acquaintance whatever prior to the assassination.

I generally accompanied this woman to church on Sundays, and did many little offices of kindness for her in the absence of her son. I do not remember a single time during my stay in her home when her son went with her to church. That seems to have been my function, and I was always happy to be of service to her in this way.

On one occasion I found John Surratt in my room sitting before the fire, looking as if his last friend had deserted him. "What is the

Handwritten Marginalia
John Surratt

From the Risvold Collection

FIGURE 2. This is part of a page of the Weichmann manuscript. There are multiple typewritten copies of most of the chapters of the book; Weichmann sent copies of the manuscript to be read by various people, including Ida Tarbell. At the bottom of this page can be seen some marginalia written in shorthand by Weichmann, who counted mastery of a system of shorthand among his clerical abilities. The last word is in German.

ade runner in the Surratt house. On the other hand, by the time he wrote his memoir of the event (about thirty years later), he could say of southern Maryland that "The only true friends the Union had down there were the colored people." His gratitude to that race, which he seems otherwise to have known only as servants, was doubtless increased when, during the trial of John Surratt in 1867,

One day, I was waited on by two ladies, Mrs. Griffen and Mrs. Thomas L. Tullock, representing a committee of the loyal ladies of Washington, who stated that they had come to me from Secretary Stanton to say that I should in no way feel alarmed during my attendance at court; that the Secretary had taken the precaution to have a number of colored men in the court room every day who would take care that the Government witnesses should not be insulted or subjected to bodily harm.

This wise precaution of Mr. Stanton was an actual fact; there were three rows of benches which were occupied as long as the trial lasted by colored men. They were always orderly and polite in their behavior, but their presence was a great restraint on the element which sympathized with Surratt, and, I believe, was often the means of checking an outbreak in the court room.

Otherwise, we know only that he regularly held a patronage job from all Republican administrations till 1885 and that whenever the Democrats gained control, he was turned out in the cold.

There is enough information in Weichmann's account to suggest a book on the disputes having to do with Catholicism that grew out of the trials of the assassins. Indeed, this is almost a subplot of the book. Payne was a Baptist; Booth, an Episcopalian; Atzerodt, a Lutheran; and Weichmann, a key prosecution witness, was a Catholic himself; nevertheless, it did not take long for the anti-Catholic agitators to dream up allegations that Lincoln's assassination was a papal plot. To a surprising degree, Weichmann suggests that Catholics themselves had much to do with bringing on the hatred and suspicion. At the trial of John Surratt, twenty students from St. Charles College (where John and Louis both had studied for the priesthood) came with a professor (Louis's former father confessor) and shook hands with the accused prisoner, the priest sitting at Surratt's side all day. None so much as acknowledged Weichmann's presence.

Out of such actions as these, and out of the doings of Fathers Boucher and LaPierre, who secreted Surratt in Canada and who arranged and facilitated his escape to Europe, coupled with the fact that some of the priests and other prominent Catholics in Washington, have persistently and unscrupulously maligned the Government, the Military Commission, the witnesses for the prosecution, because of the verdict in Mrs. Surratt's case, more than from any other circumstances, has grown the charge that the assassination was the outcome of a Catholic plot.

He does go on to say that "the charge is too ridiculous for a moment's consideration." But so little attention to the forces of bigotry that raised the charge seems curious in a Catholic. True, he admits asking Stanton for a job when his Bishop refused to answer his letter (in the summer of 1865) requesting permission to resume his religious studies. This incident typifies the great weakness of the account. It is only from Weichmann's obituary, carefully added by Risvold in the useful appendix to the account, that we learn that Weichmann left the Church altogether (until just before his death).

He does not bother to tell us this interesting biographical tidbit, and he is not by any means required to by the rules of evidence. Still, it certainly alters our understanding of his perception of the causes of the Catholic plot theory. We still do not understand the man behind the testimony.

By today's standards, the standards of the nineteenth-century justice system often seem appalling. Weichmann receiv-

ed a government job for his part in the trials of the assassins. Writers have never forgiven him (or the government) for this. Yet something else comes to mind. Weichmann wrote this manuscript justifying his role in the trials late in his life, some thirty years after the event, and even then only in response to frequent newspaper stories that impugned his testimony. He did not rush out of the courtroom door of this, the most famous state trial in American history, get a large advance from a publisher, and try to get rich off his dutiful participation in the trial. Standards of justice have not necessarily changed all for the better.

Recent Acquisitions: A Presentation Copy of the Debates

Abraham Lincoln's education was, in his own estimation, "defective." The frontier environment of his youth prevented his owning many books in the years when he had much time for reading. He regretted his "want of education," as he said in his autobiography written for John L. Scripps in 1860, and tried throughout his life "to supply the want." He studied grammar after he was twenty-three years old and "had separated from his father." He studied geometry after he was forty years old and had already served a term in the United States House of Representatives.

The habits of youth nevertheless leave indelible traces, and Lincoln showed no special fondness for books as such. He never accumulated a library like Jefferson's or Washington's. He was not, like Rutherford B. Hayes or Franklin Delano Roosevelt, a book collector. Unlike Woodrow Wilson or Theodore Roosevelt, he never wrote books. Therefore, books that are directly associated with Abraham Lincoln are extremely rare. He almost never wrote marginalia in his books; in fact, he rarely wrote his name in a book.

For these reasons, and others, a signed copy of a book for which Abraham Lincoln supplied almost half the text himself is considered a major rarity. The only book that Lincoln in any sense "wrote" was the *Political Debates Between Hon. Abraham Lincoln and Hon. Stephen A. Douglas in the Celebrated Campaign of 1858, in Illinois*. . . . (Columbus: Follett, Foster and Company, 1860). Lincoln thought he won the great debates, and he was careful to preserve a newspaper clipping of every speech. He pasted these into an attractive scrapbook. Lincoln turned down one publication offer in 1858, probably thinking it would be too early to have political effect. In 1859, his campaign tour to Ohio seems to have brought the scrapbook to the attention of Republican leaders in that state, and Oran Follett, editor of the *Ohio State Journal*, early Republican, and owner of the Follett, Foster publishing house, printed the book in 1860. Lincoln received, it is said, one hundred copies, and to date eighteen copies which he signed and presented to friends have been found. The Lincoln Library and Museum is happy to announce the acquisition of one of these presentation copies, bearing the pencil inscription, "Capt. J. S. Bradford From A. Lincoln."

Only one copy of the *Debates* is inscribed in ink, the copy Lincoln gave to his former law partner Stephen T. Logan. On it, the ink is badly smeared because the endpapers are porous and soft, and book collectors assume that, from then on, Lincoln knew to inscribe the books in pencil.

Captain John S. Bradford seems at first glance to be an unlikely recipient of Lincoln's book. He was a life-long Democrat who led a restless and varied life. Born in Philadelphia in 1815, he was trained to be a bookbinder. He apparently decided he wanted to see Mexico and started working his way west from Philadelphia. In Richmond, Indiana, he joined the

United States Corps of Engineers in building the National Road. The road terminated in Vandalia, Illinois, in 1840, and so did Bradford's employment on the project. He then moved to Springfield late the same year. In 1841, he bought half of a partnership in a bookbindery which became the firm of Johnson and Bradford.

Lincoln's addressing him as "Captain" betokened Bradford's long-standing military interests. He joined a militia unit known as the Springfield Cadets and went to Nauvoo in 1845, when disturbances with the Mormons in that area led Governor Thomas Ford to call out the militia. In 1846, he enlisted in Company A, Fourth Illinois Infantry, the unit commanded by Lincoln's Whig friend Edward D. Baker, and went to Mexico, where he became a Commissary of the United States Army. He was present at the capture of Vera Cruz, the Battle of Cerro Gordo, and other battles in the Mexican War. He returned with the Illinois regiment in September of 1847, only to leave again early in 1849 to seek gold in California.

Apparently, Bradford went to California with his brother-in-law James Semple, who had been United States Senator from Illinois (1843-1847) and Associate Justice of the Illinois Supreme Court (1843). They engaged not in mining but in supplying the miners with goods and food. They began with a simple pack train, carrying goods from Sacramento. Later they bought wagons and opened a store, forming the firm of Semple, Robinson, and Company, for the transaction of "general business." They even purchased a ship with a cargo of East Indian goods and disassembled it to make a wharf. They must have been successful, for Bradford was elected representative in his Benicia (Sonoma) district when the military commander of the Department of the Pacific ordered a government to be formed for a new state (even before California was a state). In 1850, when California gained admission to the Union, he was reelected to the first state legislature. A year later, he returned home to his family, which he had left behind in Springfield. He remained in partnership with Johnson in the bindery and in 1857 became Superintendent of Public Instruction for Sangamon County.

When the Civil War broke out (and probably after he already had received his copy of the *Debates* from Abraham Lincoln), Republican Governor Richard Yates recognized Bradford's qualifications despite his party identification and appointed him Commissary with the rank of Lieutenant Colonel, Governor Yates's first military commission for the war.

After the war, Bradford served as mayor of Springfield, invoking tough sanitation measures when a smallpox epidemic broke out. He was noted for his involvement in charitable and cultural institutions. He served on the board of the Illinois State University, a Lutheran college which flourished briefly in Springfield, and he raised money for the Springfield Home for the Friendless, a charitable institution for homeless women and children.

In 1869, Bradford ended his connection with Johnson and Bradford and opened a book store. Then his restless spirit showed itself again. He sold the store in 1873 and moved to Aberdeen, Mississippi, where he remained for two years. He returned again to Springfield, where, in 1876, he became Crier of the Court and United States Commissioner. He was an Episcopalian, a Mason, and a Knight Templar. He was always described as a staunch Democrat as well. Why did Lincoln give him a copy of his *Debates*? Probably because Bradford was Lincoln's neighbor, living across the street from the Lincoln home at Eighth and Jackson in Springfield. It was an election year and these were political speeches, but Abraham Lincoln remembered his neighbor.

The Bradford copy contains a tipped-in affidavit on the flyleaf just under the Lincoln signature. It reads:

State of Washington

County of King)ss

Donald Bradford being first sworn on oath says that he

is the son of Capt. John S. Bradford, at one time Mayor of Springfield, Ill., and a personal friend of Abraham Lincoln, living across the street from Lincoln's home. (See reference page 428, Sandberg's [sic] Life of Lincoln, Vol. 1) Capt. John S. Bradford died in 1892 and among his effects was a library containing the within book which came to affiant at that time, and which has been in his continuous possession ever since. That affiant knows from his father's personal statements to him that this book had been in the continuous possession of his father from the time that he received said book from Lincoln with his name inscribed on this page, viz: "A Lincoln" That affiant knows that said signature is genuine and the signature of A. Lincoln as it purports to be.

Affiant is the youngest son of Capt. J. S. Bradford and resides in Seattle, Wash. That formerly, in 1890, he was mayor of Helena, Mont., and publisher of the Rocky Mountain Magazine.

[signed] Donald Bradford

Subscribed & Sworn to before me this 11th. day of May, 1934.

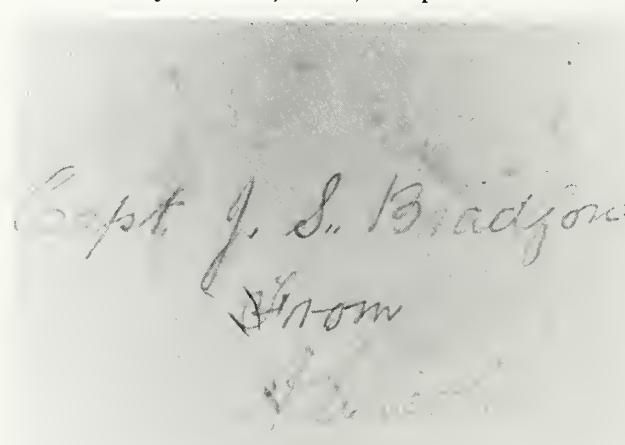
[signed] A. M. Booth

Notary Public at Seattle, Wn

William H. Herndon recalled that Lincoln "had failed to induce any publisher in Springfield to undertake the enterprise [of publishing the debates], thus proving anew that 'a prophet is not without honor, save in his own country.'" In fact, Herndon wrote in 1889:

A gentleman is still living, who at the time of the debate between Lincoln and Douglas, was a book publisher in Springfield. Lincoln had collected newspaper slips of all the speeches made during the debate, and proposed to him their publication in book form; but the man declined, fearing there would be no demand for such a book. Subsequently, when the speeches were gotten out in book form in Ohio, Mr. Lincoln procured a copy and gave it to his Springfield friend, writing on the flyleaf, "Compliments of A. Lincoln."

The inscription is not the same as the one made to J. S. Bradford, but one wonders whether this might not be the very copy to which Herndon referred. If it is, then Bradford doubtless kicked himself for his decision. The *Debates* were a nineteenth-century best seller; over 30,000 copies were sold in 1860.



From the Lincoln National Life Foundation

FIGURE 3. An old list locating the signed copies of the *Debates* indicates that Lincoln most often inscribed the copies with the recipient's name followed by "from" on the next line and his signature ("A. Lincoln") below that. Other inscriptions are in the form "A. L." or "A. Lincoln" followed by "to" and the recipient's name. In others, Lincoln wrote "Presented to," the recipient's name, and "by A. Lincoln" on the next line.

